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In Memoriam

Georges Conus

Vice-President and former President
of the European Broadcasting Union

It is hard for me today to speak in the past of a figure so familiar to international broadcasting circles, so amiable, so courteous, and so much a living presence among us that nothing, it seemed, for many years to come could dissociate him from the life and work of the Union. Though institutions may last and even survive the worst reversals of fortune, men, alas! must die. But when death strikes, friendship lives on and the memory of those that have gone remains an everlasting testimony to them.

Mr. Georges Conus died of a heart attack on 22nd July while on holiday with his family near Livorno in Italy. Born in 1895, he attended Fribourg College and later made his career with the Swiss PTT Administration. While still a young man, he was appointed Inspector in the Radio Section of the Directorate-General of the PTT. He was a member of the Swiss governmental delegation to the International Telecommunication Conferences in Madrid (1932) and Cairo (1938), and also to the European Broadcasting Conferences in Lucerne (1933) and Montreux (1939). A member of the Central Committee of the Société Suisse de Radiodiffusion from 1944 to 1946, he was appointed Administrative Director of the SSR at the beginning of 1947, and since June 1950 he also acted as deputy to the director-general, Mr. Marcel Bezençon.

The full measure of Mr. Conus's ability, however, found expression in the service of international broadcasting. It will be remembered that the war considerably affected the work of the International Broadcasting Union (UIR) which had been set up in Geneva in 1925. In 1946 it fell to Mr. Conus to control the destiny of the UIR. He was present at Atlantic City in the summer of 1947 where he pleaded its cause and succeeded in obtaining its official admission to the International Conference on Radiocommunications in that city. In September 1948 he was present at the European Broadcasting Convention in Copenhagen, and he was also at Torquay on the south coast of Britain on 12th February 1950 where he played an important part in the founding of the European Broadcasting Union. Mr. Conus was a member of the EBU Administrative Council from its foundation, and at the end of 1952 was elected President of the Union for 1953 and 1954. He was three times appointed Vice-President, the office which he held at the time of his death.

We were bound to Mr. Conus by ties of friendship which he was always eager and willing to strengthen with such ready good humour. His patriotism illuminated the strong sense he had of the traditional mission of welcome and of synthesis incumbent on Switzerland with its special situation at the heart of Europe.

May these lines convey to his widow, his family and his friends the expression of our deepest sympathy and respect, and to the Société Suisse de Radiodiffusion and its director-general, Mr. Bezençon, our sincere condolences.

C. GILLIÉRON.

THE FIFTIETH NUMBER OF THE "E.B.U. REVIEW"

We have received a number of messages for the 50th number of our *Review* which we are happy to print below. We wish to thank the directors of the international institutions who have shown us their friendly interest on this occasion.

Bureau International de l'Édition Mécanique

The "EBU Review", which is the former "EBU Bulletin" under a more fitting title and in an improved form, presents a periodic survey of events in the world of sound radio and television.

It has now reached its 50th number, each offering the reader an interesting store of incomparable information and instruction and the whole forming a collection for the connoisseur.

The "EBU Review" is the worthy and indispensable mouthpiece of that important organisation whose mission is to foster at the international level, through work and study and in harmony with the manifold interests at stake, the development of the most modern, the most powerful and the most amazing mode of communication.

The "EBU Review" comes to me regularly. I await its arrival with pleasure, as we wait for a discreet and learned friend who comes specially to see us in order to instruct us in our own particular subject.

For this I thank the Review and join with its many readers in wishing it, on my own behalf and on that of the "Bureau international de l'Édition Mécanique," long life and prosperity.

A. TOURNIER
Director-General

[Translation]

Bureaux internationaux réunis pour la Protection de la Propriété industrielle, artistique et littéraire

On the occasion of the publication of the 50th number of the Review of the European Broadcasting Union, the director of the joint international Bureaux for the protection of industrial, literary and artistic property wishes to convey to this great international organisation and to its director his admiration and his gratitude for the distinguished services which, by its work and its very nature, it renders to the cause of the rights of authors over their literary and artistic works.

For many years a profitable cooperation has existed between the European Broadcasting Union and the Berne Union.

The purpose of the Berne Union is to protect the rights of authors and performers. By familiarising the public with these authors and performers, the European Broad-

casting Union is helping to strengthen these rights throughout the world.

The director of the joint international Bureaux is therefore expressing a sincere conviction when he entertains the hope that cooperation will become even closer between the Bureaux under his direction and the broadcasting organisations, together with their fine scientific and literary Review now celebrating its 50th anniversary.

JACQUES SECRETAN, Director
Professor emeritus of the University
of Lausanne

[Translation]

Confédération internationale des Sociétés d'Auteurs et Compositeurs

Fifty issues of a review is a testimony in itself to a long life. It is a proof of stability at any rate, and stability can only be proved by experience. The "EBU Review" has long been an apt vehicle for a doctrine regarded on all sides with the greatest interest.

It would be presumptuous to recall its basic purposes; they can be seen in the titles. It is read not only for its legal items but also for its technical data. The contents are comprehensive and the standard is high.

It is the mouthpiece of a very important organisation. Ibsen wrote somewhere that the strongest man is the loneliest. That is the intellectual view, but the requirements of contemporary life involve the formation of groups; yours and ours.

We are on terms of the greatest cordiality with your group, the EBU. We have discussions on subjects of common interest where the proceedings are often delicate and manners are always friendly.

Need I add that we are delighted? It hardly seems necessary.

RENÉ JOUGLET
Secretary-General

[Translation]

Council of Europe

Every day radio waves remind us that frontiers are obsolete and out of date and yet national realities are profound and enriching. These are the two main terms

of the equation that has to be solved by those who are attempting to make the world a more human, a more harmonious and a more peaceful place.

It is not surprising that radio and television should be among the first of the problems whose importance has been recognised by the builders of the new Europe. Broadcasting has played, is playing and will continue to play a fundamental role in the reorganising of the world.

PAUL M. G. LEVY
Director of Information

[Translation]

International Federation of Actors

May I, on behalf of the International Federation of Actors, offer you our warm congratulations on your "EBU Review", which is held in repute not only by all professional radio and television broadcasters but also by all whose task is to represent actors throughout the world.

Perfect knowledge of our respective problems is indeed indispensable to both sides for the achievement of the aims of our organisations, and the best proof of that is surely the agreement on international television relays concluded in February 1957 between the EBU and the three performers' federations.

It is therefore our very sincere wish that the "EBU Review" may have many more years to continue its task.

PIERRE CHESNAIS
Secretary

[Translation]

International Federation of Musicians

It gives me great pleasure on the occasion of the publication of the 50th number of the "EBU Review" to be able to tell you how highly we esteem your periodical.

It is understandable that musicians' associations, whose members often find employment in radio and television, should be extremely interested in the employers' side of the question. But it is thanks to the wide scope of your Review that there is a growing comprehension of the work of the EBU and its member organisations among these employees: your publication has become a link not merely between your own members but also between the federations of performers and the EBU whose collaborators they are. Your Review is one of our finest, most comprehensive and most reliable sources of information. We are particularly appreciative of the pertinent handling of legal matters and the impartial reports on court decisions in the fields of interest both to broadcasting and to the performers.

May I therefore, in my own name and in that of my colleagues on the executive, congratulate you most sincerely on reaching the 50th number of your Review and offer you my best wishes for your future success.

R. LEUZINGER
Secretary-General

[Translation]

International Federation of the Phonographic Industry

The "EBU Review" has long held an honoured place in my office library and will assuredly continue to do so: indeed, it may be said to be indispensable for all those who wish to keep abreast of affairs and with developments on both the legal and technical side. The Review is excellently produced and each number is filled with well-informed and well written articles on a wide variety of subjects as well as with valuable statistical information. In its present format and presentation, the Review is even more pleasing and conveniently helpful.

With this Fiftieth Number of the Review I am very happy to offer my sincere congratulations to the EBU and to its highly competent and imaginative editorial staff and to wish the Review many more years of useful and successful publication.

BRIAN BRAMALL
Director-General

International Labour Office

Cooperation between the ILO and the EBU has long been friendly and fruitful, particularly in the preparation of the proposed international convention for the protection of performers, record manufacturers and broadcasting organisations. I am especially pleased that the employers' and workers' organisations concerned with this matter were able to reach full agreement, under the auspices of the ILO.

I am glad to take this opportunity to wish the EBU and its Review continued success in their efforts to further mutual understanding among the world's peoples.

DAVID A. MORSE
Director-General

International Radio Consultative Committee

Cooperation among the peoples of the world is fast becoming a "sine qua non" if the future of the human race is to be assured. Does such cooperation actually exist? It is comforting to think that it does, in many spheres of activity. But the ultimate goal, a true rapprochement between nations, is still a long way off. If we agree that we are all men of good will—and can we doubt it?—the mutual exchange of information is one of the first steps towards this rapprochement. Radio and television are powerful means of communication and it is a great and noble task that falls to those who are concerned with these media on an international scale, whether it be on the technical plane or in the field of information.

E. METZLER
Director

[Translation]

International Telecommunication Union

Broadcasting is undoubtedly one of the most powerful means of spreading human culture. It can help to bring nations closer together and unite them in the common ideals of understanding, goodwill, mutual respect and cooperation in peaceful works. It is to be hoped that it may be able to cast its blessings even further afield among men of good will, through sound and vision.

The International Telecommunication Union strives to endow this wonderful instrument with every technical improvement and to provide it with the necessary channels for transmission over the ether.

On the occasion of the publication of the 50th number of the "EBU Review", it is my fervent wish that the influence of the EBU will continue to increase for the good of humanity.

MARCO AURELIO ANDRADA

Secretary-General

[Translation]

(The EBU, which received this message just before the sudden death of Mr. Andrada, extends its sincere sympathy to the ITU and to Mr. Andrada's family.)

Société des Auteurs et Compositeurs Dramatiques

In our modern age of specialisation and technical progress, there is no more faithful or more detailed reflection of the complex and varied problems of radio and television than the Review of the European Broadcasting Union. It is a sort of practical encyclopedia of that vast field of modern activity where science, culture and law go hand in hand.

We should be grateful to those who for eight years have applied a systematic regard for objectiveness and an obstinate desire to inform to a Review whose usefulness continues daily to increase. Such qualities are not within everyone's reach, but elementary sincerity compels us to admit that they are the hallmark of each number of the "EBU Review". Well done!

JACQUES GUÉRITAT

Secretary-General

[Translation]

Union Internationale des Éditeurs

The forthcoming publication of the 50th number of the "EBU Review" is a pleasant opportunity for me to offer my warm congratulations to all concerned with its production not only for the remarkably impeccable presentation of the Review but also for the significance and the excellent selection of the international news it provides for holders and administrators of copyright, jurists and technicians alike.

Passing beyond the field of radio and television, the articles and news items published by the "EBU Review" make a valuable contribution to the work of all those throughout the world who are interested in the spread of creative works of the mind and the steady improvement of the media through which this is accomplished—parti-

cularly by radio and television organisations—as well as in the many problems set by the communication and interpretation of these works.

It gives me great pleasure to extend to all the collaborators and to all the editorial staff of the "EBU Review" on this anniversary my best wishes for success in the continuation of the task they have set themselves.

RENÉ DOMMANGE

President of the Music Section of the UIE
President of the BIEM

[Translation]

United Nations Educational, Scientific and Cultural Organization

It would be difficult now to conceive of a world without radio and television. In a matter of a few decades, these media have brought about an amazing increase in the possibilities for communication between men, bringing to each in the privacy of his own home an echo and a reflection of life in all its forms and in all countries. Almost simultaneously, nations are emerging from their isolation and are laying the foundations of cooperation. How could the new techniques fail to exert a strong influence on the development of international standards of behaviour? Responsibility weighs heavily upon those who use these techniques. Employed in the service of peace, they can be a wonderful instrument of understanding, tolerance and friendship among the peoples of the world. We may therefore be permitted to dream of a time on this earth, where ignorance breeds evil, when the air will echo only to the sounds of harmony and enlightenment.

LUTHER EVANS

Director-General

[Translation]

World Health Organization

The part played by radio and television in attempts at the international level, from 1945 onwards, to bring peace and prosperity to all nations is an important one. Broadcasting is an essential aid to the World Health Organization whose primary objective is to raise the world's standards of health. Indeed, thanks to radio there is not a country in the world that cannot receive warning of epidemics from the moment they start, in whatever corner of the globe. Through the intermediary of television, increasing numbers of people are learning about the progress of medical science, experimental research and surgical techniques.

In 1958, tenth anniversary year of the WHO, a television documentary showed tens of millions of viewers how the world-wide campaign to fight disease and improve health is being waged at the instigation of the WHO.

Radio and television are undoubtedly most valuable allies in the cause of that great indivisible whole, the health of the world.

JOSEPH HANDLER

Director, Division of Information

[Translation]

EUROVISION AND ITS GREMLINS

by MARCEL BEZENÇON

President of the EBU Programme Committee

Eurovision is now an accepted fact and its name is well known to the viewing public, perhaps because it has a pleasing ring, or simply because this international system of programme exchanges is not labelled by a handful of initials as is the custom nowadays, when UNO, ONU, OTAN, NATO (according to the language), CCIR, CCITT, BIT, UEO, etc. rub shoulders with each other, often in complete confusion.

The uninitiated lose their way among the signs and stumble over the capital letters. The alphabet they thought they were familiar with is being used as a sort of political chemistry, and this tendency has been followed perhaps a little too meekly by the broadcasting organisations, now known to each other by their capital letters only: BBC, RTF, RAI, NTS, SSR or SRG, NIR, ARD.... This over-simplification might be acceptable to those "in the know", but it remains a mystery to the general public. That is why it would seem to be a good plan to add the name of the town or country a Eurovision programme comes from to the sign of the originating organisation, as was done formerly. The habit was lost but it appears there is a tendency to revert to former practice.

But enough of the alphabet. Eurovision is shaping well and has made considerable advance since the days when attempts were made in its name to make a grand flourish with a fan that was shut—a fan that has now been opened thanks to the continuous efforts of the EBU's programme directors, jurists and technicians. Football players are not the only contestants now on the European network, and folk dances and horse racing are no longer the only representatives of art and skill to be heralded in by the fanfares of this community of viewers. The air of Europe is already circulating more freely though the by-ways—soon, we hope, to become the high-ways—of Eurovision.

And why not? The number of programmes offered continues to increase. At Easter, the viewer joined the crowds of pilgrims acclaiming the Pope in the Vatican, and a few hours later he was sitting in a Dutch Kursaal watching an international dance competition. As for the World Ski-ing championships, the cycling races and the motor Grand Prix, they can now be seen instantaneously and in better conditions than those enjoyed by the on-looker on the spot, thanks to the camera's inestimable gift of ubiquitousness. There are operas from London, Hamburg and Italy, events from the Brussels Exhibition, the solemn opening ceremony of an international conference, the World Football Cup games from Sweden watched with bated breath on more than ten million screens... but it would be pointless to go on with the list.

Eurovision has started to make programmes of its own, as for example the Round Europe broadcast at the New Year which was only a beginning, open to criticism like all beginnings but a praiseworthy effort. It was an initiative full of promise, like that which brought forth the Eurovision Song Contest whose importance grows with every year.

Although the scope of television is restricted, thanks to the cooperative efforts of those participating in Eurovision it can be widened. One has only to imagine what would happen without this system. Could events in Belgium, the Netherlands, Denmark and even in Great Britain, for example, be seen on the television screens of southern and central Europe? Would Italy and Switzerland be able to offer the countries of the north programmes they consider to be of international importance, and would the transmission of the World Football Championships not have been stopped by some form of exclusivity?

We would have found ourselves in a costly, untidy age of outbidding, and in the struggle the largest would have devoured the smallest before anything could have been done to stop it.

It may be unoriginal to say that union makes for strength but it is one of the essential truths it does no harm to drive home until the brain registers it. This was proved on the occasion of the Melbourne Olympic Games when an organising committee tried to parcel out participation in the international contests to television interests like a shopkeeper—contests which the Baron de Coubertin would have had the meeting-ground for the flower of amateurism and the symbol of the purity of man, sound in body and mind. The countries participating in Eurovision formed a bloc together with the cinema newsreel agencies and as a result the Melbourne Games made little more impression outside Australia than a small international meeting like many another.

This, then, is where the intrinsic strength of Eurovision lies—in its willingness to negotiate in the name of all the members and not merely in the interests of one, who in turn is always ready to renounce a privilege that cannot be shared by the others.

* * *

I should not like these reflections of mine to give the impression that we in Eurovision are ready to hang out the flags, order the band and shout from the rooftops. There are still some youthful failings, and as for obstacles, they are not merely lying in wait, they actually pounce! Television signals, it is true, pass over the heads of the

customs officers, but on arrival and departure the difficulties weave like gremlins in and out the meshes of the huge web of rights (valid or invalid) and the *non volumus* of the groups concerned. Many an artistic programme is caught in the meshes and the knots have to be untied one by one, grazing a finger or two here and there.

On the subject of agreement, too, you have only to ask the opinion of the jurists. The extension of Eurovision means they are obliged to solve problems so complex they would gladly have had them lie dormant. The field is a new one and established practice does not always offer the solution that is urgently required. In point of fact, the same holds good for programme matters as for technical questions, and Eurovision, which crept into the EBU on tip-toe, is now beginning to take up most of the delegates' time and to relegate to the background some of the older "important" problems we used to split hairs over so cleverly in a vain attempt to reach a solution. But it was an agreeable pastime for all that—and the experts have always been fond of playing at mandarins.

The EBU is certainly a meeting-ground for experts—administrators, jurists, technicians, programme specialists, directors-general and directors—but the stuff they have to deal with is as volatile as mercury. No sooner did they feel they had at last succeeded in giving the former newcomer, radio, a statute allotting it a comfortable place on the crowded stage among the mass communication media, than television came on the scene to tease their brains and snatch a well-earned rest from them.

How was a place to be found for television in that jealously guarded academy where the "stars" of public expression jostle together? By dint of elbowing, one gets there in time at the national level, but as conditions generally vary so much in the different countries one plunges inevitably into a tangled snare as soon as an attempt is made to draw up valid international regulations.

This last difficulty engendered by Eurovision has acted upon the EBU like a stimulant. Union had to be created out of diversity, obstacles overcome that seemed insurmountable, legal negotiations carried out at top speed on every conceivable subject, decisions taken that would have been pondered over at other times for many a year to no further effect.

Perhaps that is why there are those who view with uneasiness the growing number of committee meetings, the swelling dossiers and the almost non-stop activity of the EBU. But how is it to be avoided?

One era came to an end in 1914, another in 1939; technical developments have ushered in yet another and problems are no longer restricted to the limits of one town or even one state. The trade unionist's appeal for help in Manchester or New York reaches as far as Rome; events cross frontiers with the speed of light; a blow struck in Suez stops road traffic in Switzerland; outbidding in Great Britain cuts into the budgets of twelve

other European television services. In fact, we are united in spite of ourselves, and to abandon this cooperative effort is to risk chaos. Those who, five years ago, could not quite see what advantages Eurovision might bring them—either because they had no liking for a community composed of large and small organisations which would therefore be uneven, or because they thought they had no need of the support of others—are among the first today to discover the advantages of the scheme.

It may be, too, because television takes short steps and as soon as several countries have to be crossed one has to knock at the frontier and ask for permission to make use of a line or to jump from one relay station to another. If television signals behaved like radio waves, Eurovision would probably not have been brought into being, but that would not have prevented everybody from suffering cruel financial losses, for while the sounds of radio may often be used as a form of propaganda, the television show has a market value, even and especially if art and culture have gone into the making of it.

Besides, why not freely admit that the broadcasting of certain types of entertainment produced widely at the international level by Eurovision constitutes a danger to some performers? I am thinking particularly of music halls and certain *chansonniers*, for example. The television screen wears them out; audiences are already beginning to tire of conjurers in spite of their talents; the starlet who does a little singing has become unbearable—her only excuse is her prettiness, if she is even pretty; viewers have ceased to marvel at the antics of an acrobat and the juggler will soon have to juggle with grand pianos if he wants to hold their attention. As for the amateur, he is being driven from the stage, for he merely sets the teeth on edge. And so one begins to wonder if "variety" is doomed.

On the other hand, a broadcast that carries a message, where the event described and the thought behind it are well expressed and skilfully presented—sport, drama, news, discussions, real life interest—these find a springboard in Eurovision with all its many sides.

Why not admit too that music will gradually find its way back to radio, unless it is tricked out in the finery of opera or in the subtle artifice of production? The day for rendering unto Caesar that which is Caesar's and ceasing to usurp all fields of expression will come, as radio learned after deluding itself into thinking that all things were permissible when it had the monopoly of the air.

Eurovision needs live transmissions above all else. It is from them that her greatest strength will be derived and it is to this end that Eurovision is directing its efforts—efforts that with each year are meeting with growing success, in spite of many minor disasters. Eurovision has already crossed the boundaries of Eastern Europe on occasion and it is rumoured that in two years America might be within reach. So the plant has taken firm root.

THE PERMANENCE OF THE “PRIX ITALIA”

by GIAN FRANCO ZAFFRANI

Secretary-General of the Prix Italia
Administrator-Alternate of the E.B.U.

When the Prix Italia was instituted in Capri in 1948, its creators had possibly no idea that this international competition would reach its 10th anniversary and celebrate it so successfully.

The inaugural meeting in Capri had shown the need felt by a number of people in broadcasting for programmes that would be more satisfactory from the point of view of both language and style and would suit the medium better. At the end of the war, radio programmes had yet to find their proper level and, being deprived of the supreme attraction offered by the dramatic and moving events of recent times, were groping their way towards the discovery of a mode of expression that would capture the listeners' wandering attention and hold it. Mr. Sernesi, who was at that time Director-General of the RAI, had the idea of setting on foot an international competition to stimulate production of a high standard and provide an opportunity at the same time for comparing different styles and methods. He explained his plan to me and asked me to organise this meeting, adding that Capri with its blue seas and delightful scenery would provide the ideal setting for a conference requiring enthusiasm and confidence from those taking part. I must confess that while realising the value of such a venture I was at first rather perplexed as to how the task was to be carried out. It was in the days when broadcasting organisations had not had time to re-establish any but the briefest contacts and when there was little similarity of views or agreement on principles even among the international organisations. When I think back to those days I remember with pleasure how much easier my task was made even in the initial stages by the help and understanding I received from the organisations contacted. The meeting had been fixed for September in Capri and I can remember going to London in the middle of August and, between two Olympic Games competitions, gaining the considerable support of the British Broadcasting Corporation at a lunch to which I had been invited by Sir Ian Jacob. When the delegates of several broadcasting organisations met afterwards in Capri, they decided to institute the competition, in a rush of confidence and enthusiastic striving after something that would best satisfy the artistic requirements of programmes. Even then, the aim was clearly defined: to encourage distinguished writers by means of an international competition to produce

works specially for broadcasting and to stimulate young talent to seek expression in the new medium.

The Prix Italia was thus created, but it had yet to be tested. The first meeting of the jury in Venice in September 1949 showed that the task was not easy, in view of the dissimilarity of the works submitted and the difficulty of applying the same standards to judge works of completely different sorts. Hence the necessity of modifying the Statutes and distinguishing between the various works according to whether they belonged to one or other of the two main categories, music and the spoken word. It was the close collaboration which was a feature of the meeting in Venice that was to enable the international competition of the Prix Italia to overcome the obstacles in its path and to reach its 10th anniversary.

Sessions of the Prix Italia have been held regularly from 1949 onwards and on each occasion the problems arising from new developments have been examined and have forced us to keep a careful watch on the regulations of the competition to make sure that they still corresponded to our original aims. Thus in 1952 we were faced with certain difficulties which pointed to the necessity of modifying the formation of the jury to allow it to concentrate entirely on the task of awarding the prizes to the works of the highest artistic merit. The difficulty was no easy one to solve and again a solution was obtained thanks to the team work whose excellence I particularly want to stress in this article. As Secretary-General of the Prix Italia, I found it very difficult to arrive at a solution that would guarantee the Jury complete independence, and one evening in September 1952 I expressed my doubts to Mr. Wladimir Porché, who was at that time Director-General of the Radiodiffusion-Télévision Française, and to Mr. Marcel Bezençon, Director-General of the Société Suisse de Radiodiffusion, one of the founders of the Prix Italia. The question was gone into again over dinner for three and the proposals made by Mr. Bezençon and Mr. Porché gave me the solution to the problem, which consisted in having different juries for the three categories—music, drama and documentaries—and providing for a rotation among the members of these same juries which would prevent an organisation from voting on the jury to which it had submitted works. This procedure, which in a sense removes the personal element from the juries,

was successful and has since been adopted by several international competitions.

Thanks to the efforts of its participants, the Prix Italia has acquired its present form. Yearly prizes were subsequently offered by the Radiotelevisione Italiana for each of the two categories, music and drama, and another for radio documentaries by the Italian Press Association. But a competition such as this could not ignore the growing importance of television, and the problem of introducing a new category for television works was tackled with the same enthusiasm as had inspired the same men to found the original radio competition. This new departure was encouraged by a number of the associates of the Prix Italia who recognised the world-wide significance of the competition and the need to include television works. The principle was upheld at the 1955 General Assembly in Perugia and adopted in Rimini in 1956.

Last year in Taormina the prize offered by the RAI for the best television documentary was awarded, and first experience has shown the initiative to be justified and given an indication of future possibilities.

This year the Prix Italia is to be held in Venice where it will come back to the city of the lagoons to seek out the source of inspiration of its first working meeting, now a well-defined international competition for radio and television works, split up into various categories each corresponding to the original aims of its founders in their search for works specially written for radio and television whose qualities fitted them better for these mediums than for any other. The experience of ten years has amply demonstrated that the founders' original conception has surpassed all expectation. During these ten years, works have been submitted to the juries that have on occasion been of outstanding quality, and always of an exceptionally high standard. They have combined the peculiarities of a language strictly adapted to the new mediums with the search for an ambiance in music and in sound that would justify the need for a competition reserved to works for radio and television. To give examples of this would take too long and the statistics themselves are an indication of the number of works that have been submitted. It would perhaps be better to mention the wide use made of some of these works by the member organisations. In this we have achieved one of the chief purposes of our competition, which is to create a repertoire of outstanding works to be broadcast by all the member organisations of the Prix Italia. Incidentally, it is a curious fact that these works have not only formed the nucleus of a radio repertoire but their success in the Prix Italia has led them on to further triumphs on the stage. In these cases it is not radio that has had to turn to the theatre for its plays but the theatre that has found a new source for its repertoire in radio.

Typical of this tendency are works such as *Ifigenia* by Pizzetti, *Lord Inferno* by Ghedini, *Frédéric Général* by Jacques Constant, *L'Equipage au Complet* by Robert Mallet, *Il Giuoco del Barone* by Bucchi, and several others whose success in the Prix Italia has been followed by stage productions of the works. This fact does nothing to impair the intrinsic value of these plays as works for broadcasting and testifies to a quality in them that has allowed them to be transposed from the broadcasting studio to the stage without altering their original conception.

The Prix Italia, with its two main branches, radio and television, has won increasing support from organisations operating in these sectors who see in this competition the only opportunity for comparison on an international scale, enabling works to be judged that are different in style and conception but similar in their insistence on quality and originality.

Other members have joined the original founders so that today the Prix Italia has 21 members. It was not my intention to bring statistics into this article but it would not be possible for me to leave out the list of member countries, which will say more than any commentary of mine; Australia, Austria, Belgium, Canada, France, Germany, Ireland, Israel, Italy, Japan, Luxembourg, Monaco, Netherlands, Poland, Portugal, Sweden, Switzerland, Union of South Africa, United Kingdom, United States and Yugoslavia.

The Prix Italia has thus found adherents in every continent and firm friends in many countries, who make their way each year to the town selected for a competition whose purpose is to discover and enhance the reputation of works attesting to the need for artistic quality in mediums of expression growing in importance and bent on winning their own laurels.

At each meeting, the friends of the Prix Italia have the chance to join in a competition of considerable interest and to discuss matters closely connected with their work in an atmosphere that could scarcely be more favourable.

The memory of these meetings brings to my mind something said by Roger du Gard on *Les Décades de Pontigny* which could also apply to the Prix Italia fortnights: "And these days of friendly camaraderie, of chosen contacts and profitable encounters afforded so many and such varied opportunities for enrichment that those who sampled the exquisite pleasure of this intellectual sojourn, were it only once, kept the memory of it in eternal gratitude."

I should like to think that the next meeting in Venice at the Isola di San Giorgio will confirm this impression and imbue each of the members of the Prix Italia, old and new alike, with the sense of a task well done in a spirit of brotherly cooperation.

OBJECTIVE : TWO THOUSAND MILLION LISTENERS

by ROGER MINNE

*Head of the Radio Section of the European Office of the United Nations*¹

United Nations Radio, which is known to all the great broadcasting networks of the world, requires that its commentators shall make it a point of honour to observe at all times the strictest impartiality. This is not always easy, you will admit, when the problems that have to be analysed for the listener's benefit are as complex as the negotiations on disarmament, for instance, or as forbidding to the unaccustomed ear as the creation of a special fund for economic development.

United Nations Radio broadcasts every day in more than 20 languages, and it may now be said that it reaches all the corners of the world (I was on the point of writing "the remotest corners", forgetting that such expressions

are banned from our programmes, as Denmark is as remote to an Indonesian as Thailand is to a Guatemalan). United Nations Radio broadcasts are taken as live or deferred relays by the national radio services of the member countries of the U.N. Some of these organisations have very modest budgets, which prevents them from having permanent correspondents attached to the headquarters of the United Nations in New York or to the European Office. In such cases, it can be very useful to have the services of the radio division's experts in international radio reportage.

Under the terms of reference laid down by the General Assembly, the prime objective is to keep the world informed of the work of the United Nations and its agencies. This task is all the more difficult—and often all the more delicate—as certain aspects of the work of the U.N. are not very spectacular.

The Economic and Social Council which met recently in Geneva seems so unprepossessing (even from the point of view of its name alone) that one might sometimes wonder how the general public, which after all finances this work, can bear to be told anything about it. What

¹ Roger Minne is a broadcaster who has touched upon all the aspects of radio, television and the cinema. For more than twelve years he has been commenting at the microphone on world events as seen through the eyes of the United Nations. An expert in international affairs, he considers that it is just as important for the form of a broadcast to have the essential radio properties as for the substance. In his own words: "The beauty of a broadcast lies as much in the delight it procures for the ear as in the pleasure it affords the mind."



(Photo F. Picedi)

Princess Grace of Monaco lent her assistance to one of United Nations Radio's most successful broadcasts, produced by the author.

in fact does ECOSOC do? No matter how patiently or how long it works to raise standards of living, the man in the street, who cares little for vague notions about economy or sociology, will still be more interested in the finish of a lap of the *Tour de France* than in the task performed silently in the shadows by Technical Assistance, the Economic Commission for Europe, and so many other bodies with unattractive names.

From the strictly professional point of view—by which I mean radio—this constitutes a magnificent challenge. There are also reasons for genuine satisfaction, for the United Nations has its great moments of glory, when history is made. I am thinking here of a dazzling extempore speech by some great political leader before the General Assembly, or the contests in eloquence provoked in the Security Council by the absorbing problems of today's news-making world. All of this makes excellent radio, the true stuff of reportage, and is our proper reward not only for having chosen this occupation despite its thankless bondage but for pursuing it within this framework.

The three large non-commercial French-language networks have learned by experience that in a crisis, no matter whether it crops up unexpectedly or whether it was bound to happen, they can count on getting an impartial commentary for their news bulletins instantaneously from New York or Geneva. It is our aim in this field never to obtrude and never to over-intensify our broadcasts, so that we may keep our friends and preserve our reputation. That is why we have in Europe as many unscheduled programmes as scheduled, if not more. These are the programmes that follow closely the trend of current events and respect the rules of modern information—concise, clear and complete.

Obviously—and, it must be confessed, unfortunately—politics take precedence over all other subjects. The French are interested in hearing what countries voted with France against a resolution attacking her in the first committee of the General Assembly. The Belgians are interested in learning whether their country has been criticised in the Trusteeship Council for its administration of Ruanda-Urundi. And the English listener wants to know what happened during the debates on Cyprus.

While these important discussions are going on, however, there is somewhere an expert from the United Nations drafting irrigation plans for a famine-stricken area where the International Children's Emergency Fund distributes millions of glasses of milk. Something ought to be said about that too, but it must be admitted that such subjects make poor radio material for the producer. It is hard for them to find a place in broadcasts on the important contemporary issues. They have to be made palatable by varying the treatment. For this purpose, United Nations Radio produces, with the valuable collaboration of the national broadcasting organisations, large-scale sound-documentaries which develop thoroughly a vast theme of particular importance to society. These features may be produced in the field. Studio productions can have the benefit of the full range of sound effects necessary for good listening. Well-known names are generally associated with such programmes, for we always try to get famous personalities to take part. The reader may remember the important reportage produced entirely in European refugee camps in which Her Highness Princess Grace of Monaco graciously consented to act as narrator. It is estimated that this programme, which was broadcast simultaneously by the RTF, the INR, the Swiss transmitter of Sottens, Radio Monte Carlo and the CBC, reached more than 20 million listeners and undoubtedly achieved its goal.

I should like to end on a personal note. All radio commentators, particularly those concerned with the field of politics and events which have a direct bearing on human life, are of necessity journalists. As far as news is concerned, radio has an unquestionable advantage over the press: promptness and the time factor. Indeed, the reader of a newspaper can decide after one glance, in the fraction of a second, that he is not going to read an article whose title does not interest him. During this fraction of a second, the eye can skip to the next column, but the ear cannot do this, nor can the radio listener turn the page to get to the sports column. He has to wait for it to come to him. It would be a mistake to underestimate this fundamental difference between time and space which makes radio one of the pre-eminent and one of the essential weapons of the modern campaign to disseminate news.

EUROVISION PROGRAMME STATISTICS

Period 1 January — 30 June 1958

Organisations ¹	BBC	RTF	CLT	RMC	INR	NIR	NTS	ARD	ORF	DSR	SRT	SRG	RAI	ITA	Spe- cial prog.	Total	%
I. ORIGIN OF PROGRAMMES																	
No. of programmes	15	16	1	—	5	4	6	8	19	—	13	5	9	—	—	101	
Percentage	14.9	15.9	1.0	—	4.9	3.9	5.9	7.9	18.9	—	12.9	4.9	8.9	—	—		100
II. DURATION																	
Total hours of transmission (duration at the point of origin)																135	
Total hours of trans. by each organisation	65	72	53	29	82	84	72	96	82	49	40	89	81	16	—	910	
III. TYPE OF PROGRAMME																	
Sport	14	13	—	—	1	1	1	6	18	—	11	5	4	—	—	74	73.3
Actualities	—	1	1	—	1	1	1	—	—	—	1	—	2	—	—	8	7.9
Light	—	—	—	—	2	2	3	—	—	—	—	—	2	—	—	9	8.9
Drama, music, ballet	—	1	—	—	1	—	1	2	1	—	1	—	—	—	—	7	6.9
Religious	1	1	—	—	—	—	—	—	—	—	—	—	1	—	—	3	3.0
Folklore	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Cultural	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Children's progr. ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	15	16	1	—	5	4	6	8	19	—	13	5	9	—	—	101	100
IV. PARTICIPATION IN EXCHANGES																	
No. of transmissions	50	66	43	28	66	63	49	68	57	32	24	61	59	10	—	676	
Percentage	49.5	65.3	42.5	27.7	65.3	62.3	48.5	67.3	56.4	31.6	23.7	60.3	58.4	9.9	—		

¹ The abbreviations of the names of television organisations are as follows :

BBC = British Broadcasting Corporation (United Kingdom)

RTF = Radiodiffusion-Télévision Française (France)

CLT = Compagnie Luxembourgeoise de Télédiffusion — Radio-Télé-Luxembourg (Luxembourg)

RMC = Radio Monte-Carlo (Monaco)

INR = Institut National Belge de Radiodiffusion (Belgium)

NIR = Belgisch Nationaal Instituut voor Radio-Omroep (Belgium)

NTS = Nederlandse Televisie Stichting (Netherlands)

ARD = Arbeitsgemeinschaft der Öffentlich-Rechtlichen Rundfunkanstalten der Bundesrepublik Deutschland

ORF = Oesterreichischer Rundfunk-GmbH (Austria)

DSR = Statsradiofonien (Denmark)

SRT = Sveriges Radio (Sweden)

SRG = Schweizerische Rundspruch Gesellschaft (Switzerland)

RAI = Radiotelevisione Italiana (Italy)

ITA = Independent Television Authority (United Kingdom)

6 June 1954 — 30 June 1958

I. ORIGIN OF PROGRAMMES

Period		BBC	RTF	CLT	RMC	INR	NIR	NTS	ARD	ORF	DSR	SRT	SRG	RAI	ITA	Special prog.	Total
A	6.6-31.12 1954	9	6	—	—	2	2	4	10	—	1	—	15	6	—	—	55
B	1.1-30.6 1955	—	10	—	—	1	2	4	7	—	—	—	1	9	—	—	34
C	1.7-31.12 1955	14	7	—	—	—	3	2	10	—	—	—	6	15	—	—	57
D	1.1-30.6 1956	16	16	1	5	5	3	5	19	1	—	—	9	63	—	—	143
E	1.7-31.12 1956	22	34	—	—	3	—	8	18	3	8	—	5	6	—	—	107
F	1.1-30.6 1957	26	27	5	2	3	1	7	19	5	2	—	6	17	—	—	120
G	1.7-31.12 1957	15	25	—	—	11	4	7	10	3	1	—	2	8	—	1	87
H	1.1-30.6 1958	15	16	1	—	5	4	6	8	19	—	13	5	9	—	—	101
Total		117	141	7	7	30	19	43	101	31	12	13	49	133	—	1	704

II. DURATION

Period	A	B	C	D	E	F	G	H	Total
Hours	73	44	71	156	117	136	125	135	857

III. TYPE OF PROGRAMME

	No. of programmes	Percentage
Sport	456	64.8
Actualities	85	12.1
Light	67	9.5
Drama, music, ballet	40	5.7
Religious	31	4.4
Folklore	11	1.5
Cultural	9	1.3
Children's programmes	5	0.7
Total	704	100

IV. PARTICIPATION IN EXCHANGES

Period	BBC	RTF	CLT	RMC	INR	NIR	NTS	ARD	ORF	DSR	SRT	SRG	RAI	ITA	Special prog.	Total orig.	Orig.+ relays	Average part.
6.6-31.12 1954	45	44	—	—	45	46	45	45	—	?15	—	37	36	—	—	46 ¹	358	
1.1-30.6 1955	—	26	—	—	32	32	29	27	—	—	—	25	27	—	—	34	198	
1.7-31.12 1955	21	39	—	—	36	45	29	37	6	—	—	46	30	—	—	57	299	
1.1-30.6 1956	60	89	50	5	81	97	87	81	72	6	—	91	94	—	—	143	813	
1.7-31.12 1956	34	64	43	1	85	75	61	39	29	19	1	40	29	—	—	107	520	
1.1-30.6 1957	52	67	46	52	67	71	53	44	30	14	11	39	39	—	—	120	585	
1.7-31.12 1957	29	53	26	33	61	62	37	37	19	18	6	35	41	2	1	87	460	
1.1-30.6 1958	50	66	43	28	66	63	49	68	57	32	24	61	59	10	—	101	676	
Total	291	448	208	119	473	491	400	378	213	104	42	374	355	12	1	695	3909	5.62 org.

¹ Total number of transmissions during this period : 55. No information available on participation for 9 transmissions (8.7-31.8.1954).

NEWS AND INFORMATION

INTERNATIONAL

INTERNATIONAL CONFERENCES CONCERNED WITH BROADCASTING

1958		September-October	
16-17 September	UNDA ¹	Int. Meeting incl. talks on "The Child in the World of Sounds and Images"	Brussels
22-26 September	EBU	Working Parties GTV/1 and GTV/2	Wiesbaden
27-29 September	"	Bureau of the Programme Committee, 12th Meeting	"
30 September	"	Programme Committee, 6th Plenary Session	"
24 September	"	Bureau of the Legal Committee, 21st Meeting	Heidelberg
25-27 September	"	Legal Committee, 9th Plenary Session	"
23 Sept.-8 Oct.		Prix Italia 1958	Venice
16-18 October		European Association of Music Festivals	Aix-en-Provence
21-23 October	UNESCO	International Institute for Film & Television, Constituent Assembly	Paris
21-30 October	IMC	International Music Council, 7th General Assembly, Congress and Festival of Music	Paris
25-28 October	EBU	Administrative Council, 19th Meeting	Geneva
		November-December	
4 Nov.-5 Dec.	UNESCO	General Conference, 10th Session	Paris
21 November	EBU	Extraordinary General Assembly	Munich
22-24 November	"	General Assembly, 9th Ordinary Session	"

¹ UNDA = International Catholic Association for Radio & Television.

ASIAN BROADCASTERS' CONFERENCE

Report of the Second Session. — Under the auspices of Nippon Hoso Kyokai and with the support of the Japanese Ministries of Postal Services and Foreign Affairs, the second session of the Asian Broadcasters' Conference was held from 19th to 21st May in Tokyo where the previous initial conference met last year ¹.

Thirty delegates took part, representing the broadcasting authorities of Burma, Ceylon, China, India, Indonesia, Israel, Japan, Laos, Malaya, Pakistan, Philippines, Turkey and Vietnam, and in addition there were observers from the United Nations and UNESCO and guests from Radio Hong Kong and the Voice of America.

The First Committee, which discussed programming and administrative questions, was attended by the delegates from all 13 participating countries and the observers. Among the major items discussed was the proposal to place the question of the organisation of an Asian Broadcasting Union on the agenda. Although the idea was considered to be good in itself, it was finally decided that the project was premature.

A plan was accepted for the setting up on a temporary basis of an executive office to act as liaison for future Conferences and to make the preparations for the next session. After discussion, it was agreed that NHK would act as its centre.

The resolutions passed at the joint session of the

two Committees at the end of the Conference recommended: (a) that broadcasters in the Asiatic region should continue to work for the furtherance of mutual understanding and goodwill among the peoples of Asia through sound and television broadcasting; (b) that there should be frequent exchanges of data on radio and television programmes, engineering and administration, and that NHK's offer to act as distribution centre should be accepted; (c) that exchanges of programmes already started should be actively encouraged in the fields of music, education, science and culture; (d) that NHK's proposal to hold an Asian Folk Dance and Music Festival in 1959 in Japan should be adopted in principle and the Committees should cooperate in the realisation of the project.

It was decided by common consent that the 1959 session of the Asian Broadcasters' Conference was to be held in Japan again and that NHK would once more be in charge of the organisation of the meeting.

INTERNATIONAL MUSIC COUNCIL

Selection of Contemporary Works 1958-59. —

This IMC project whose aim is to promote a wider knowledge of modern music among the general public has been reported on in the *EBU Bulletin* each year since its inception ².

Three outstanding works were selected and recommended for broadcasting during the coming season at

¹ See *EBU Bulletin* No. 45, page 566.

² See *EBU Review* No. 48, page 14.

the meeting convened in June by the IMC which was attended by the music directors of radio stations in Austria, Belgium, Denmark, France, Holland, Italy, Japan, Luxembourg, Switzerland, the United States and Yugoslavia. The works are : *Symphony No. 2*, by Niccolo Castiglioni (Italy); *Five studies for Female Voices and Chamber Orchestra*, by Constantin Régamey (Switzerland); and *String Quartet No. 2*, by Benjamin Lees (USA). These works are to be performed in special programmes to be given during 1958-59 by the various broadcasting organisations.

At the same meeting, lists of works for full orchestra, chamber orchestra and smaller ensembles by young composers in each of the countries represented were drawn up for presentation in the International Rostrum of Composers. These lists include the works of 48 composers from 11 countries.

According to a previous agreement made with the Council, each radio station has undertaken to devote a minimum of 90 minutes in the coming season to concerts of music selected from these lists. The works of composers from at least four other countries must be included in the programmes.

WORLD COMMITTEE FOR CHRISTIAN BROADCASTING

Stockholm Conference. — The following details have been taken from an explanatory note on the theme

of this European Regional Conference sent to us by the World Committee for Christian Broadcasting.

The Conference, which was held from 29th May to 2nd June in Stockholm, had for its theme "Christian Communication Today" and was attended by delegates from Denmark, Finland, Germany, the Netherlands, Norway, Sweden, Switzerland and the United Kingdom. It was opened by the Bishop of Stockholm, Dr. Helge Ljungberg, and lectures and discussions followed on the problems raised by religious programmes on radio and television. Professor van Peursen of the University of Groningen spoke of the possibilities offered by radio for promoting a better knowledge of the Bible, and the Rev. Sigurd Lunde stressed radio's role in the development of spiritual music. Other lectures were given by the Rev. Roy McKay, Head of BBC Religious Broadcasts, the Rev. Gunnar Dahmén of the Swedish broadcasting organisation and the Rev. Lewi Pethrus, head of the private station IBRA which broadcasts from Tangier. The work of Protestant broadcasters in Germany was represented among others by the Rev. Hans-Werner von Meyenn, who is one of the general secretaries of the WCCB.

An interesting outcome of the Conference was the creation of a European Television Commission whose purpose will be to intensify cooperation between the Protestant Churches in Europe in the field of Eurovision. The Commission will be chaired by the German representative.

We remind our readers that

Part A - (Technical) of E.B.U. Review No. 50

was published at the beginning of August and contains :

- an article by Engineer J. Doin of the RTF, comparing the processing methods used by the RTF for 16-mm. film according to whether the original is reversal or negative;
- an article, with numerous illustrations, by L. Sponzilli, Deputy Technical Director of the RAI, describing the new television studios opened in Rome by the RAI at the beginning of the year;
- an account of the meeting in Moscow of CCIR Study Group XI (television);
- various items of information on the technical activities of different broadcasting and television organisations, notably :
 - the development of television satellite transmitting stations in Germany, Austria, France and Italy; the Südwestfunk's new mobile field-strength measuring units; the drama studio block, Helsinki; the development of television in Japan; the unattended television studio in London (Westminster); the new standardised control desk brought into operation by Sveriges Radio at the Malmö drama studio;
- the situation in the long- and medium-wave spectrum at 15th July, 1958;
- the list and map of television stations in Belgium, the Netherlands, Denmark and Sweden;
- a short account of recent meetings of EBU Technical Working Parties (Working Party P in Brussels, Working Party B in Helsinki).

Following a decision of the EBU Administrative Council, Part A (Technical) of the "EBU Review" will henceforth appear in the same months as Part B and not in alternate months as heretofore.

NATIONAL

AUSTRALIA

Progress of Television. — Television in Australia reached the second stage of its development this year when applications were invited for commercial station licences in Brisbane, Adelaide, Perth and Hobart. When television started towards the end of 1956, the Australian Government outlined its policy for future development. The first stage was the provision of services in Sydney and Melbourne. The second was the extension of facilities to the capital cities of the other four States. The third envisaged a television station in each centre with a population exceeding 5,000.

Stations are of two types, *national* stations operated by the Australian Broadcasting Commission (ABC), and *commercial* stations operated by private companies holding licences granted by the Government upon the recommendation of the Australian Broadcasting Control Board (ABCB).

Six stations are now in operation—one each in Sydney and Melbourne run by the ABC, and two each operated by private companies in the same two cities. Public hearings are being held by the ABCB for commercial station licences for Brisbane, Adelaide, Perth and Hobart. Concurrently, the ABC is preparing plans for national television stations in the same centres.

The increase in set ownership in Sydney and Melbourne since services began in September 1956 has been as rapid as that experienced in other countries where television is in operation. Melbourne, although a slightly smaller city than Sydney, took the lead initially because of the transmission of the Olympic Games in November 1956, but in recent months the sales in Sydney have increased significantly and the most recent figures show that Victoria now has 133,391 licences, increasing at the rate of about 10,000 a month, and New South Wales has 128,678, increasing at about 12,000 a month.

CANADA

Resignation of CBC Chairman. — Mr. A. Davidson Dunton, chairman of the Board of governors of the Canadian Broadcasting Corporation, resigned on 15th July to become president of Carleton University, Ottawa. He had been in office since 1945.

FRANCE

New RTF Appointments. — Mr. Christian Chavanon has been appointed director general of the RTF, succeeding Mr. Gabriel Delaunay who has been named Prefect of the Gironde and permanent delegate of the RTF to the European Broadcasting Union. Mr. Chavanon, who is 45 years of age, was a lawyer in Bordeaux before becoming *maître de requêtes* of the *Conseil d'Etat*. In November 1953 the government appointed him pre-

sident and director-general of the *Société nationale des Entreprises de Presse*.

The Council of Ministers has nominated M^e Henry Torrès to be president of the *Conseil Supérieur* of the RTF.

The EBU congratulates Mr. Chavanon and M^e Torrès on their appointments.

GERMANY (Federal Republic)

New Director of the SDR. — Dr. phil. Hans Bausch has been elected *Intendant* of the Süddeutscher Rundfunk in succession to Dr. Fritz Eberhard, who had held this post since September 1949. Dr. Bausch, who is 38, takes up his new office on 1st September 1958.

NDR Budget for 1958/59. — The Norddeutscher Rundfunk has fixed its budget for 1958-59 at 57,453,800 DM. Estimated expenditure for some of the main items is as follows: directorate and programmes, 23.6m. DM; technical services, 11.02m. DM; administration and supervisory bodies, 1.5m. DM; general services, 8.3m. DM; common tasks within the ARD, 1.2m. DM. Income from licence fees is estimated at 50,760,000 DM.

Staff will number 1,750, of whom 779 will be employed in the directorate and programme departments, 534 in the technical services, 97 in administration and the supervisory bodies, and 271 in general services. Salaries and wages are estimated at 25.5m. DM, or 46% of current receipts.

SDR Annual Report for 1957. — The total income of the Süddeutscher Rundfunk in 1957 was DM 37.2m. which included DM 30.3m. from licence fees and DM 4.7m. from commercial broadcasting. Expenditure amounted to DM 37.1m. of which DM 9.2 m. was paid in salaries to the 916 members of staff, DM 6.1m. to the Post Office, DM 3.5m. in fees, DM 3.1m. in royalties and copyright fees, DM 2.2m. for power and maintenance and DM 3.5m. for special operational costs. The sum of DM 1.6m. was paid in taxes and the year ended with a credit balance of DM 94,000 approximately.

A total of 7,695 programme hours was broadcast over medium waves in 1957, of which 6,712 hours (87%) were devoted to the SDR's own productions. The VHF programme was on the air for 3,425 hours and SDR productions took up 91% of this time.

JAPAN

New Director of NHK Radio and Television Culture Research Institute. — Mr. Ichiro Nihira has been appointed Director of the Radio and Television Culture Research Institute of the Japan Broadcasting Corporation, Nippon Hoso Kyokai. Mr. Nihira succeeds Mr. Kameichi Sugimoto, who took over this post on 1st June 1957.¹

¹ See EBU Bulletin No. 44, p. 447.

NORWAY

The Bergen International Festival. — This year again keen interest was shown in the Festival by foreign broadcasting organisations. Between 30th May and 14th June, 39 relays of the various concerts and recitals were taken by the Canadian Broadcasting Corporation (9), the Moskva Radio & Television Service (9), the Finnish Yleisradio (6), Ríkisutvarpid from Iceland (3), Sender Freies Berlin (3); other relaying organisations were the RTF, Československý Rozhlas of Prague, Radiodiffuziunea Romina of Bucharest, the Hessischer Rundfunk, the SSR and Sveriges Radio.

The concerts were given by the Bergen symphony orchestra *Musikskelskabet Harmonien*, the Philadelphia Orchestra, the symphony orchestra and String Quartet of the Oslo Philharmonic Society, the Bergen String Quartet and *Ars Intima* of Göteborg. The violin soloist was Isaac Stern.

SWITZERLAND

Mr. Robert Ferrazino. — The accidental death of Mr. Robert Ferrazino last June while on military service affects the whole of Swiss broadcasting and Radio-Genève in particular.

An accredited agent of the European Centre of the United Nations, Mr. Ferrazino maintained a permanent link with the international institutions in Geneva. He was attached to the office of humane works created at the Geneva studio in the service of the International Committee of the Red Cross and was responsible for the production of the programmes devoted to this organisation. It was in this last connection that he had occasion to contribute to the *EBU Bulletin*.

1957 Report of the Société Suisse de Radio-diffusion. — The SSR's annual report came out recently in a new and improved form. It is now an attractively illustrated brochure printed in large format. In a brief introduction, the director-general, Mr. Bezençon, surveys the activities of Swiss radio and television during the financial year 1957. The respective directors of the various studios describe some of the work done by these bodies, and the Swiss Shortwave Service is the subject of an article by its director, Mr. Borsinger. Other sections are devoted to the regional societies without studios, television, technical facilities, and the SSR's financial situation.

Accounts for the financial year 1957 show a total income of Sw. frs. 22,378,798.70 and total expenditure of Sw. frs. 22,112,666.90, leaving a balance of excess income over expenditure to the amount of Sw. frs. 266,131.80.

In 1957, 40,517 new radio licences were registered and the yield from licence fees rose to 34,267,000 frs. of which the sum of 22,223,000 frs. was allotted to the SSR. The *Direction Générale* received an allocation of 3,100,000 frs. and 929,000 frs. were placed at the disposal of the Shortwave Service. The sum of 17,678,000 frs.

was distributed among the three national transmitters in the proportion of 45% to Beromünster (7,955,100 frs.), 33% to Sottens (5,833,740 frs.) and 22% to Monte Ceneri (3,889,160 frs.).

In the field of *television*, it will be remembered that the sum put at the disposal of the television service to cover the extension of the experimental period from 1st October 1955 to 31st December 1957 was 9,400,000 francs (cf. *EBU Bulletin* No. 44, page 448). The final statement as at 31st December 1957 shows that credits had overstepped the budget estimates by 383,000 francs. Various receipts and supplementary credits enabled the excess of expenditure to be reduced to a debit balance of 11,828 frs. which has been carried forward to 1958.

U.S.S.R.

Progress of Soviet Television. — A report by the Moscow correspondent of *The Times* gives details of the present state of television in the USSR as described to him by the director of the Moscow station. (This information supplements an account appearing in *EBU Bulletin* No. 45, page 618.)

The number of people reached by television in Russia is far greater than the number of sets, of which there are now 2½ million in use. There is a great deal of communal listening and there are 30 television "centres" transmitting programmes in thickly populated cities like Moscow, Leningrad, Kiev, Odessa, Minsk, Omsk, Tomsk and Vladivostok.

Moscow television is on the air four hours every night, starting at 19.00 hours. On Saturdays it begins an hour earlier and there is an extra hour and a half on Sundays. A second Moscow channel transmits for an hour and a half each evening. The programme begins and ends with a news broadcast consisting of news films and an announcer reading Tass agency despatches. About one third of the total time is devoted to films. Regulations of the Ministry of Culture provide that only 12 days must elapse between a film's first showing in a cinema and its release on television, but many of the films shown are much older.

Another third of the time consists of live transmissions from theatres, concert halls, sports arenas, and from the Kremlin. The remainder of the television schedule includes dance lessons, demonstrations of callisthenics for various age groups, and talks on foreign policy. An hour of programmes for children every other night is made up of animated cartoons, puppet shows, travelogues and instructional talks.

UNITED KINGDOM

New BBC Appointments. — Mr. H. Carleton Greene, formerly BBC Director of Administration, became Director of News and Current Affairs on 18th August. He is to assume responsibility for directing the current affairs output in sound and television.

The new Director of Administration is Mr. T. R. P. Hole, formerly Editor, News.

Mr. Robin Scott has been appointed the BBC's representative in Paris, as from June of this year, taking over from Miss Cecilia Reeves who has been in Paris since 1946.

BBC Television for Schools: Past Experience and Future Prospects. — The first year of BBC Television for Schools has been completed with encouraging results. The programmes have, by and large, been well received by schools and—more important—the reports from teachers have noted steady improvement throughout the three terms, particularly in production techniques. At the time of writing, the register of viewing schools for the academic year, 1958 to 1959, is in process of compilation. Already, however, 200 schools, which were not viewing in Year I have notified their intention to do so in Year II, a promising indication of an expanding audience.

A number of important developments have taken place since my last report in the February edition of the *EBU Review*. On March 27th, at the time of Queen Elizabeth's visit to Holland, the Eurovision link was used to present a background story on Rotterdam. Thus, for the first time, 'live' pictures from Europe were brought into the classrooms of British schools. The Spring Term group of programmes on Elizabethan drama, "Characters in Action", proved to contain seeds of great promise for the future. Teachers recognised in it something which it was quite outside their own resources to provide. There was clear evidence that a wide range of children could be held by professional performances of carefully selected extracts from Shakespeare and Marlowe, could "understand" them at their own level, and perhaps also half sense the greater richness that was not yet within their grasp.

A Natural History series on "*Birds*", broadcast in the Summer Term just completed, evoked more consistently enthusiastic reports than any other series in the first year. It had an experienced television compère in the eminent naturalist, James Fisher, and the advantage of an accompanying picture book for the children, some pages of which were in colour. A great deal of follow-up work was undertaken by viewing classes, both in field observation and the upkeep of note books.

Next year our weekly output will increase from four 'live' transmissions and one telerecorded repeat, to five 'live' transmissions and two repeats. It will include many of the subjects dealt with successfully in the first year, Science, Current Affairs, Natural History, Geography and advice to School Leavers. English Drama, too, will again find a place, the major item being a serial play based on the life and death of Sir John Falstaff. But new ventures will not be lacking, such as those in Mathematics and the Visual Arts. There will also be a group of special programmes for schools in Scotland and another, in Welsh, for schools in Wales.

ENID LOVE.

Development of Colonial Broadcasting. — The tenth edition of the *Handbook on Broadcasting Services in the Colonies* has just been published and we are again extracting some of the facts on recent developments¹.

As foreshadowed in the 1957 report, a Government wireless broadcasting service was established in **Gibraltar** in February 1958, the cost being met from Government funds and revenue being obtained from advertising. A licence has been issued to a local company to provide commercial programmes. In **Hong Kong** a licence has been granted to a commercial company to operate a wireless service in addition to the existing Government service and the commercial wired service of Rediffusion (Hong Kong) Ltd.

In **Jamaica** the Government has decided to set up a public broadcasting corporation in addition to the existing commercial company. Under the new scheme the corporation and the commercial company plan jointly to establish a frequency modulation service throughout the island within about 2½ years. This would be the first FM service to operate in any colonial territory. The Federal Government of the West Indies plans to set up studios and to install equipment in **Trinidad** for the purpose of making recorded programmes of federal interest available to all broadcasting services within the Federation.

The **Central African Broadcasting Service**, hitherto administered by the Northern Rhodesia Government Information Department, became a statutory corporation on 1st February 1958.

Television services now exist in three Colonial territories, Bermuda, Cyprus and Hong Kong. In **Bermuda**, a commercial service began operations in January 1958 in addition to the television service already being operated by the US Base in Bermuda. In October 1957, television was introduced in **Cyprus**, where the Government arranged for a British manufacturer to provide a pilot service in the Nicosia area. In **Hong Kong** a commercial wired television service was started in May 1957 by Rediffusion (Hong Kong) Ltd. which already operates a commercial wired sound service.

It is not possible to estimate exactly the number of listeners in the Colonial territories, but from just over 1,000,000 in 1949 the total rose to over 6,000,000 in 1957. Territories with most listeners include the Federation of Nigeria, Hong Kong and Singapore. The General Overseas Service of the BBC is rebroadcast by 24 stations for upwards of 340 hours a week and BBC transcription records are reproduced by 28 stations for over 160 hours a week.

In 1957 some 2,900 people were regularly employed by colonial broadcasting services. Broadcasting hours exceeded 3,000 a week in over 60 languages.

Report of ITA's Children's Advisory Committee. — A summary of the work of this Committee,

¹ Cf. last year's report in *EBU Bulletin* No. 45, page 576.

which has been in existence for almost three years, has just been published.

The Committee accepts that the time allotted for children's television is mainly for entertainment and it does not recommend apportioning a part of this time specifically for instructional purposes. It believes, however, that in providing entertainment television can do much to satisfy curiosity, impart knowledge and establish values important in the formation of character.

In the Committee's view, a fair proportion of the output of the programme companies is achieving this purpose. The main questions around which its discussions with the ITA and the programme companies revolve are : whether there is as yet a satisfactory balance between output of the adventure story type, which depends for its appeal on physical action, suspense and excitement, and programmes drawn from real life which can lead to new activity away from television; and secondly, what fresh creative ideas in both fields can be found so as to avoid an excessive repetition of established formulae.

The Committee does not claim to know the effects on children of programmes in which aggression is the central ingredient but it is securing, and will in due course publish, an objective assessment of parents' reactions on this point, and it is also seeking the views of organised bodies of opinion.

The report states that the programme companies have an established procedure for previewing filmed material. No filmed material is shown between 16.30 hours and 18.00 hours unless it has been passed as suitable by programme company staff charged with this special responsibility.

The Committee shares the views of the programme companies that a formal code for children's television should not be considered, as it is likely to provide a negative safeguard only, and that it is better to place confidence in the integrity and sense of responsibility of programme producers.

On the subject of programmes for schools, the Committee does not concern itself in detail with the output of schools television, once it is satisfied that the programme companies have proper arrangements for securing and observing the advice of educational interests.

Concluding its report, the Committee adds that it is aware that large numbers of children regularly view adult programmes up to 8.30 or 9 at night and even later. This is a social fact which neither the television organisations nor the Committee itself can ignore, but in this first phase of its work the Committee thought it best not to stray too far from its terms of reference, which, under the Television Act, relate to matter *intended* for children or young persons.

Independent Television's Cultural Donations. — The chairman of the ITA, Sir Ivone Kirkpatrick, has announced that the television programme companies are to spend £100,000 a year on patronage of the arts.

A coordinating committee is to be set up to see that the donations of the individual companies do not overlap.

Details of how Associated Television, Ltd., is to distribute the £21,000 it has decided to donate this year were given by Mr. Norman Collins, deputy chairman. Patronage will be divided between London and the Midlands, with special leanings towards the theatrical arts. Prizes are to be awarded for writing original works for television, and painting will be encouraged, for example, by a gift to the Tate Gallery to enable them to hang a work by a British painter. Three technical bodies are to receive annual gifts.

Associated-Rediffusion recently announced a gift of £5,000 to the " Friends of the Tate Gallery ", and another of the major television companies, ABC, has arranged to give £5,000 a year for the next seven years for the support of the Sadler's Wells Opera company.

Granada T. V. Network Ltd. has announced the first of its moves in the field of the academic approach to television. It has offered to the University of Leeds, which has accepted it, the sum of £30,000 to be spent over five years in support of a Granada television research fellowship. The idea behind the offer is to study the influence of television on the people who watch it and how it affects their thoughts, habits and outlook.

Associated Television's Report and Accounts 1958. — Associated Television, Ltd. (ATV), the independent television programme contractor for London at weekends and the Midlands on weekdays, has published its report for the year ended 30th April 1958.

The operating profit for the year amounted to £4,053,269, which was reduced after taxation and certain other deductions including fees and emoluments to £1,997,909. After eliminating the debit balance brought forward on the Profit and Loss Account and providing for the payment of dividends, there remains a credit balance on Profit and Loss Account of £1,296,497. The balance to be carried forward is £333,040, as compared with a loss of £483,794 in the previous year.

In the twelve months ended 30th April 1958, the number of independent television homes in the London area rose by 36% to 1,876,000 and ATV weekend programmes reached 43.8% of all homes in the area. In the Midlands, the number of homes capable of receiving ATV programmes rose to 46.8% of all homes in the reception area, a total of 1,039,000.

Death of Sir Louis Sterling. — We announce with regret the death on 2nd June of Sir Louis Sterling, aged 79, former Vice-President of the International Federation of the Phonographic Industry. Chief of the Columbia Company before the merger with HMV and Managing Director of EMI, he played a leading part in the creation of the Federation in 1933 and was an outstanding figure in the conduct of its affairs during the early years.

Death of Mr. Gordon Sandison. — We regret to announce the death on 3rd July, at the age of 45, o

Mr. Gordon Sandison, President of the International Federation of Actors and General Secretary of the British Actors' Equity Association. He had occupied the post since 1947 and in this capacity was well known to EBU negotiators of agreements with the performers and to EBU delegates in international committees dealing with ancillary rights.

Subliminal Perception Advertising Banned. —

A committee of the Institute of Practitioners in Advertising has reported, according to a summary in *The Times*, that "the use of subliminal communication in whatever form for advertising or sales promotion is professionally unacceptable"¹. These findings have been communicated to the Institute's 243 member agencies.

The report defines subliminal communication as "the sending, reception and effects of physically weak visual or oral messages which people receive in a physiological sense, but of which they are not consciously aware".

The committee relied for its facts upon a technical sub-committee whose report conveys the impression that the dangers of subliminal advertising are not at the moment particularly great. Some experiments are described and the conclusions reached indicate that the effects are less startling than was previously estimated.

The Institute of Practitioners in Advertising has decided to take action promptly, however, and members have accordingly been instructed not to apply subliminal communication in any form to their work, or to engage in experiments aimed at furthering its use in professional practice.

UNITED STATES

Mr. Petrillo Retires : New Head of AFM. —

Mr. James C. Petrillo has retired from the office of president of the American Federation of Musicians after 26 years as an AFM officer and 18 years as the Federation's president. His successor is Mr. Herman D. Kenin, west coast representative of the AFM and member of the union's international executive board for 14 years.

Changes in the Television Code. — At a recent meeting in Washington, the board of the National Association of Broadcasters introduced certain changes in their Television Code which will be put into practice by the 308 television stations and three television networks now subscribing to the Code.

The section permitting commercials in which actors portray physicians, dentists and nurses if the words "a dramatization" are flashed on the screen for 10 seconds has been rewritten to ban the practice entirely. This section now reads: "Dramatized advertising involving statements or purported statements by physicians, dentists or nurses must be presented by accredited members of such professions."

A list of instructions has been drawn up by the board for radio and television coverage of court trials and

other public proceedings. The rules are aimed at making official "a decent respect for the rights and opinions of others and for the established procedures of public agencies, judicial, legislative and executive", so as to facilitate the broadcasting industry's job of gaining "access". The rules stress respect for established procedures and for the authority of presiding judges or officers, maximum use of modern broadcasting equipment to make the coverage unobtrusive, and commercials in good taste where commercials are necessary. Reporters are asked to present summaries of proceedings and commentaries only during recesses. They will not move around during court trials and there will be no commercial sponsorship.

The NAB also decided at this meeting to ban subliminal perception advertising¹. A new paragraph has been added to the Code which reads: "The use of the television medium to transmit information of any kind by the use of the process called 'subliminal perception' or by the use of any similar technique whereby an attempt is made to convey information to the viewer by transmitting messages below the threshold of normal awareness, is not permitted."

(Variety)

CONGRATULATIONS

We have pleasure in congratulating:

- Mr. Gaston BRENTA, director of music programmes of the INR, who has been promoted to the rank of Officer of the Order of Leopold;
- Mr. Louis KAMMANS and Mr. Maurice SWAENEPOEL, departmental heads of the INR, appointed Chevaliers of the Order of Leopold;
- Mr. Jan BOON, Mr. Roger CLAUSSE and Mr. Fernand MORTIAUX, administrators/directors-general of the INR, appointed Commanders of the Order of the Crown;
- Mr. André GUERY, director of the INR, who has been promoted to the rank of Commander of the Order of Leopold II;
- Mr. Georges GOURSKI, chief engineer/assistant director-general of the INR, appointed Commander of the Order of Leopold II;
- Mr. Frans ZOETE, director of the World Broadcasts Service, Mr. Gaston DE LAFONTEYNE, engineer/director, and Mr. Albert NAMUROIS, legal adviser/departamental head, all of the INR, appointed Officers of the Order of Leopold II.
- Mr. Henri BAQUIE, head of Paris General Services of the RTF, Mr. Jean-Vincent BRECHIGNAC, director of the regional France II network of the RTF, and Mr. Paul PERONNET, head of RTF television news programmes, who have been promoted to the rank of Chevalier of the Legion of Honour;
- Mr. Henri BARRAUD, director of the RTF France III programme, promoted to the rank of Officer of the Order of Arts and Letters.
- Mr. John Beresford CLARK, Director of External Broadcasting at the BBC, who is appointed Knight Commander of the Order of St. Michael and St. George.

¹ See similar item concerning United States below.

¹ See also item on subliminal advertising under "United Kingdom" above.

BOOK REVIEWS

Broadcasting in Australia, by Ian K. Mackay.
Published by the Melbourne University Press, 1957.
(216 pages : £1.5.0 Aust.)

This book is a comprehensive survey of the Australian broadcasting system and is addressed to the general reader who wishes to obtain, from a single source, a broad perspective on the unique system of broadcasting which exists in Australia.

The author maintains that the dual system is fundamentally suited to the economic and social needs of the country. In this system there is a national service operated by a commission appointed by the Federal Government, paralleled by an independent service operated by commercial interests. The national service, the Australian Broadcasting Commission, is financed by an annual treasury grant; the commercial stations, individually independent though linked to some extent in networks, rely on the sale of advertisements.

Mr. Mackay combines a factual account of the history and operation of the broadcasting services with the challenging views of a serious critic, surveying the systems of other countries in comparison with Australian conditions. Subjects discussed comprise control, monopoly, commercial broadcasting, networks and listener research, together with an appraisal of the ABC, its organisation, finance, history and programme structure.

The author reviews in some detail the wide range of commercial and ABC activity, the public served and the safeguards against possible political control. Many facets of Australian broadcasting are discussed and criticism is constructive and interesting.

The concluding section deals with the future of broadcasting in the television age as the author sees it.

Mr. Mackay is well known in three countries as a writer on broadcasting and television. He has spent over twenty years as a broadcasting administrator, first in New Zealand and, since 1950, in Australia where he still holds the post of production manager to the largest of the commercial networks.

The Technique of Film and Television Make-Up, by Vincent J.-R. Kehoe. London, Focal Press Ltd., 1957. (One bound volume of 260 pages, price 42s.)

The writer of this excellent and authoritative work is particularly well qualified for the task he has set himself. A Bachelor of Fine Arts of Columbia University and chairman of the Research Council of Make-up Artists, he has looked after the make-up for over 3,000 film and television shows for all the major motion picture studios and television networks in the United States.

Copiously illustrated, Mr. Kehoe's manual deals not only with the fundamental problems encountered by the novice but contains much useful information for the expert as well. Step-by-step explanations demonstrate

the basic straight and corrective make-up for men and women. Detailed sections cover make-up for character, age, racial and national types, period and historical characters, and popular figures of mythology and the supernatural. Special effects and processes and the latest scientific methods and materials are described and demonstrated in great detail. Appendices give make-up charts for films and television, lists of suggested materials for make-up kits, and the sources of these materials both in the United States and the United Kingdom.

Instructive, admirably illustrated and tastefully produced, this book can be recommended as a valuable working tool and a standard reference.

How to Write Television Comedy. Edited by Irving Settel. Boston (Massachusetts), The Writer Inc., 1958. (One bound volume of 210 pages, price \$4.00.)

As its title suggests, this book is essentially a guide for authors or would-be authors of comedy designed for showing on television. Its contributors are all well-known successful American comedy writers with considerable experience in the field of radio and television. Practical information and useful advice abound on every branch of television humour, from slapstick and farce to dramatic comedy. The editor introduces the book with a survey of the field of television comedy and concludes with a useful chapter on selling scripts. The text is liberally sprinkled with jokes and excerpts from actual scripts, of which there are five complete samples in the appendix taken from popular American television programmes.

Radio Free Europe, by Robert T. Holt. Minneapolis, University of Minnesota Press, 1958. (One bound volume of 249 pages, price \$5.00.)

The author of this book, who is an assistant Professor of political science at the University of Minnesota, has given a detailed account of the origins and development of the private propaganda enterprise known as Radio Free Europe. First established in December 1949 as a division of the Free Europe Committee incorporated six months earlier under the laws of the state of New York, Radio Free Europe, it is explained, "is not an American voice but it is the American management of five European exile voices". Eight years after its inception, it is now operating 29 transmitters broadcasting a total of almost 3,000 hours per week to the five countries of Czechoslovakia, Hungary, Poland, Bulgaria and Rumania.

This study is concerned first with the origins and internal operations of the organisation, its staff, its basic purposes and policies, and its five semi-autonomous radio stations and their programmes. The second important consideration underlying Dr. Holt's account

is the non-governmental nature of Radio Free Europe which he calls a "nonofficial instrument of American foreign policy".

MISCELLANEOUS PUBLICATIONS

Adult Education Groups and Audio-Visual Techniques. No. 25 in the series *Reports and Papers on Mass Communication*, UNESCO, Paris 1958. — This manual has been compiled to fill the need felt in many countries for a study describing the general background against which audio-visual media should be used. Its first purpose is to provide guidance for those who work with adult education groups and its second to encourage these groups to make more use of the new aids.

The importance of evolving an effective system of pedagogics for adults is a basic consideration of this study and attention is called in the opening section to the psychological characteristics and individual and group behaviour patterns which distinguish the adult student from the child or adolescent. The prefatory notes on method are followed by chapters on the study of adult educational groups, their functions and purpose; the nature of the audio-visual techniques and the part they can play in adult education in general; discussion as an instrument of intellectual advancement; and the checking of results.

The Collecting of Folk Music and Other Ethnological Material: A Manual for Field Workers. — This excellent practical guide is published jointly by the International Folk Music Council and the Ethnomusicology Committee of the Royal Anthropological Institute of Great Britain and Ireland and is edited by Miss Maud Karpeles (12 Clorane Gardens, London N.W.3). It is based on an earlier edition issued in 1951 but has been considerably enlarged and its scope extended to cover work outside the European field. It has also taken account of developments in tape recording, cinematography and sound filming.

Not specifically intended for the expert, the manual is addressed primarily to the untrained collector and contains much valuable information and advice about equipment, relationships with informants, recording in the field, notation and transcription of tunes, collecting dances, cinematography and sound filming. For those wishing to explore further any particular facet of the subject there are useful references to recommended publications.

UNDA Quarterly Bulletin, June 1958. — This is a special number of the Bulletin of the International Catholic Association for Radio & Television (Fribourg, Switzerland). It deals exclusively with the United States and is the first of two. In addition to a variety of general information on American radio and television, it includes two articles by Father Timothy J. Flynn of New York, entitled *Television in the United States* and *The Church and American Television*. Of particular interest are the descriptions of educational television in the United States and the American system of broadcasting.

Die Situation des Rundfunks in der Bundesrepublik: Tatsachen und Vorschläge, vorgelegt vom Arbeitskreis für Rundfunkfragen. Seeshaupt Obb., Germany. (Brochure of 122 pages.) — The *Arbeitskreis für Rundfunkfragen* (an independent Study Group for Broadcasting) which was formed in 1951 and has frequently been referred to in these pages¹ has recently published a report on the situation of broadcasting in the German Federal Republic.

As befits a body of independent specialists in broadcasting whose members come from the most varied social and political *milieux*, the report aims at presenting an impartial and factual account of existing conditions. Separate sections contain critical observations and recommendations for the future.

Il Pubblico della televisione, No. 3 in the RAI — Radio-televisione Italiana's series on listening and viewing habits in Italy. This 72-page volume, containing many tables and charts, covers in particular the five southern regions (Puglia, Lucania, Calabria, Sicily and Sardinia) to which the television service was extended in 1957. (RAI, Via Babuino 9, Rome.)

The Story of the BBC. — An illustrated 32-page brochure published by the BBC (35, Marylebone High St., London W.1) for the Brussels Universal and International Exhibition (2/6d.). The book gives a general picture of the BBC in its 36th year as a national public service broadcasting organisation. The articles describe the achievements and aims of the Corporation, and the facts and figures illustrate the size and complexity of its radio and television services.

Here is the News. — A BBC publication describing how its news services work in sound and vision. This brochure provides a most interesting account of every aspect of news operations at the BBC, with an introduction on the principles involved.

British Broadcasting: A Bibliography, published by the BBC. — A 49-page brochure covering books published in Britain on sound and television broadcasting, excluding those on engineering subjects. It includes a select list of articles on BBC policy in monthly and quarterly periodicals, the more important debates concerning the BBC in both Houses of Parliament, and all Government and official publications relating to the BBC.

Educational Television Today. — A publication of the Educational Television and Radio Center, Ann Arbor, Michigan. The facts about educational television in the United States are presented succinctly and attractively in a pleasing illustrated brochure. The general situation is briefly indicated as a background to a detailed discussion of the activities of the ETRC with special emphasis on its primary function, the supply of programmes to educational television stations.

The booklet tells how the service is operated, how programmes are obtained, and how they are distributed. Separate sections describe some of the most successful programmes for adults and for children, and there is a reference to the Center's activities in the field of radio. Lists of the Center's publications and some financial data round off this interesting survey.

Continuing Liberal Education. — Report for 1955-1957 of the Fund for Adult Education, New York. Established in 1951 by the Ford Foundation as an independent organisation concerned with "that part of the educational process which begins when formal schooling is finished", the Fund looks upon its special task as that of supporting programmes of liberal adult education.

The themes of the chapters include "Liberal Adult Education Through Television and Radio", which deals with the establishment of a system of educational television and the improvement of educational radio in the United States as well as the use of the mass media to serve the liberal education of adults. This chapter differs from the others in that it covers not just 1955-57 but a period of six years since the foundation of the Fund. It offers a full and interesting survey of the situation in these fields up to June 1957.

¹ See *EBU Bulletin* No. 10, page 589, and No. 19, page 380.

LEGAL SECTION

LEGAL PROBLEMS OF OUTSIDE AERIALS

by GUSTAV CHAMRATH

Legal Adviser, Oesterreichischer Rundfunk

Except in the earliest days of broadcasting, the question of an outside aerial was of no particular importance to the majority of listeners until a few years ago. Stations were soon transmitting with considerable power and the sensitivity of receiving sets developed to such a high degree that it was possible to get clear and satisfactory reception, especially of home programmes, on a set of fairly recent design without using an outside aerial at all.

This situation changed in all countries when a start was made with television, because for this type of broadcasting a suitable outside aerial was and still is one of the most important requirements for good-quality, interference-free reception.

Where the television viewer owns the house he lives in, no difficulties are likely to arise. Persons installing an outside antenna on their own property have at the most to comply with the building regulations on the subject that exist in many countries, or to apply for official sanction. Statutory regulations of this kind, indeed, have a lot to be said for them in avoiding nuisances such as danger to passers-by, material damage and the like.

The position is rather different where the television subscriber is only the tenant of a house or flat that belongs to someone else. Here various snags may crop up, e.g. if the landlord either wishes to forbid the fixing of an outside aerial on his roof altogether, or attaches conditions which the tenant is unable or unwilling to fulfil to the erection of such installations.

The circumstances in individual countries will differ according as the housing market and the law of tenancy operate along normal lines or not. In other words the circumstances will depend on whether these matters are, so to speak, determined by the natural interplay of supply and demand or whether this highly important field of private law is subject to rent and other controls. Countries that have not known a housing shortage in the real sense, and where as a rule a normal relationship is preserved between the level of rents and the average

income of the population, are hardly likely to encounter problems of "aerial rights". Both parties to the lease will naturally set out from the fact that the authorisation and toleration of an aerial installation does not involve any supplementary, special and voluntary performance on the part of the house owner, being merely a part of the contractual duties that are taken for granted and are counter-balanced in their entirety by the rent paid. In such a case it is not only in the tenant's interests that fuller use should be made of the apartment he has rented and equipped and kept in repair, often at considerable expense; the landlord too will want to keep a tenant who pays the rent punctually. In such circumstances it is hardly to be expected that the house owner will seek to spoil the tenant's occupancy of the house by means of legal quibbles and prohibitions that might detract from his comfort and domestic amenities. The landlord will therefore seldom object to the erection of an aerial, or demand additional payment in respect thereof.

The situation is entirely different in countries where housing restrictions have existed for many years. Restrictions of this kind limit the natural rights of the proprietor to such an extent that he feels himself exploited and defrauded, and it is therefore understandable enough if he snatches at every passing opportunity to get a better return on a property investment that is so to speak dormant as a result of restrictions and artificially low rents.

The quandary of the tenant who joins the ranks of television viewers and needs an outside aerial for good reception is thus a welcome chance for the landlord to secure some extraneous remuneration to supplement rents that are otherwise kept at such an unduly low level.

It is important to bear these special circumstances in mind in order to understand the real basic reasons for the attitude of landlords to the question of outside aerials. The outward considerations that are so often adduced—danger of lightning, liability, disfigurement of the façade or even the whole building—are almost

without exception pretexts that are not sincerely believed or meant to be taken seriously.

On the other hand it should not be forgotten that these disputes and tensions between landlords and tenants on the subject of outside aerials cannot be dismissed as a purely private matter, as the community has in many ways a considerable stake in the smooth development and dissemination of television. Not only is television nowadays an inseparable element in the general standard of living of the culturally advanced countries and offers the population much in the way of instruction, education, entertainment and desirable leisure activities, but also its prosperous and speedy growth is a matter of great importance for a variety of branches of commerce and industry, not least among them being the radio trade.

It is perfectly true that in a strictly legal sense the tenant has no claim on the strength of his lease alone to use those parts of the house where he would like to install his outside aerial. Hence, in accordance with civil law he undoubtedly requires the express consent of the proprietor to the erection of such an installation. If he were to take matters into his own hands and have an aerial affixed to the roof on his own responsibility, without endeavouring to obtain the landlord's prior consent, such an action would in law amount to an invasion of property rights and the tenant taking such action of his own accord could be required to remove the installation and make good any damage. The main problem is whether a landlord who persistently and without valid reason refuses to allow the tenant to put up a roof aerial can be compelled by legal means to tolerate it.

In most cases the tenant's claim to erect an outside aerial is recognised in principle if not by statute, at least for all practical purposes, by the jurisprudence of the courts in interpretations by analogy with the available legislative provisions. The tenant is granted the right to prosecute a claim in the courts. Here the decisive consideration is probably that in the present state of technology an outside aerial is essential for good television reception, except in unusually favourable conditions. If it is accepted that television and sound radio nowadays represent an important value in the intellectual life of everyone, or at least of every citizen of a culturally advanced country, then every tenant must be guaranteed the possibility of obtaining perfect reception of radio and television programmes on the strength of his rights as a tenant alone.

Admittedly it happens not infrequently in practice that in countries where television has only just started and is thus still to some extent in the experimental stage, the possession and operation of a television receiver is regarded as a luxury, if only on account of its relatively high cost at the beginning, and as something that should not be reckoned into the standard of living of the average citizen. However, such an approach to the matter can only be a purely transitory phenomenon. After all,

every new technical achievement takes some time to catch on with the majority of the population, and it takes some time before mass production can bring the price of such sets far enough down to come within the purse of wide sections of the population.

Only a few decades ago such things as running water laid on, a bathroom, electric light and a telephone could by no means be regarded as a matter of course in every apartment, and yet a landlord nowadays who took the view that they were not would simply be making a laughing-stock of himself. The same would apply to a property owner who tried, say, to demand a special extra payment for laying on the electric light in a flat, or to refuse permission to have the telephone installed, on the grounds that putting the wiring in would involve an encroachment by the tenant on parts of the premises which the lease did not entitle him to use.

It must however be said that, because of the special importance of radio and television as vehicles for instruction, education, art and culture, efforts should be made to settle the problem of outside aerials that are necessary for reception on a uniform basis by passing a law on the subject, rather than leaving the question to the discretion and wisdom of the judicial authorities. The enactment adopted in France, for example, is a model of its kind.

In this connection it would probably be a good thing to establish finer distinctions between the various types of aerials, classifying outside aerials in general into roof aerials, loft aerials, window aerials, suspended aerials, etc.

Another point is whether, while being in principle bound by jurisprudence or special statute to grant the tenant permission to erect an outside aerial, the landlord is entitled to claim compensation. The prevailing legal opinion, as mentioned above, is that sanctioning the aerial does not represent any additional service on the part of the lessor, but should rather be regarded as one of the obligations under the lease that are generally held nowadays to devolve upon the landlord, and are offset as a whole by the rental paid.

After all, payment of the rent is supposed to give the tenant the possibility of fully satisfying his need to occupy an apartment that is in keeping with modern ideas of gracious living. The rent represents an inclusive price for meeting all the individual demands that may reasonably be advanced under this heading. Only a person of a woefully old-fashioned and ascetic turn of mind could exclude the enjoyment of radio and especially television from the list of the incontestable demands that everyone can make of life in the middle of the twentieth century.

When forming an opinion on this problem the main thing is not to lose sight of the fact that an aerial—however necessary it may be for television in the present state of radio technology—should nevertheless not be regarded as anything more than a secondary device for using a receiving set. Bearing this in mind, it is clear that even in the event of the law or the courts in a given

country deciding that the tenant's pretention to an aerial should attract a fee, the amount of such fee ought to come to only a small percentage—in no case more than 5 to 10 per cent.—of the television licence fee. And in determining this amount it should make no difference whether the user of the roof aerial is a private tenant or a tradesman who may require the aerial for commercial purposes, since the service rendered by the landlord is the same in both cases.

In countries where as yet the gratuitous nature of the tenant's right to an outside aerial has neither been laid down by law nor expressly recognised by the courts, and where too property owners are inclined to put forward excessive demands, the legislature must take action in good time and set standards on the subject that will prevent tenants and broadcast licence-holders from being exploited, thus constituting at the same time a safeguard for the continued smooth and prosperous development of broadcasting, one not inconsiderable though indirect effect of which would be the prospect of continued full employment in the radio industry. The fewer the additional financial difficulties involved in purchasing television sets, which are relatively expensive in any case, the sooner will the number of viewers rise and the radio industry be able to go over to cheaper mass production.

As regards the special position in Austria, with which I am particularly familiar as Legal Adviser to the Oesterreichischer Rundfunk, the lack of any statutory arrangements is felt rather acutely at the present time. In contrast to other European countries Austria was a relatively late starter in television, and indeed television licences (at a fee of 50 Schillings per month) have only been issued since 1st January 1958. The peculiar geographical situation of the country, the greater part of which lies in the Alps, makes the installation of outside aerials an absolute necessity for interference-free television reception in very many areas. Property owners, whose rights have been severely curtailed for decades through drastic rent control acts, are trying to improve their financial posture by demanding monthly supplements to the rent from tenants wishing to fix a television aerial to the roof of the building. Some of the tenants flatly reject any demands of this sort, while others, wishing to avoid unpleasantness when the demands are reasonably moderate, pay small additions to the rent.

Nevertheless, a considerable number of landlords recognise the tenants' right to have an aerial without making a charge. It sometimes happens, however, that the rapacity of property owners is such that they demand, merely for permission to install an outside aerial, several times the amount of the official licence fee that viewers have to pay monthly. In one case that occurred in Vienna the landlord demanded a monthly payment of 500 Schillings—ten times more than the fee paid for keeping a television set and receiving the whole programme. This led to an information being laid against the landlord on a criminal charge of profiteering. The

case did not, however, come on for trial as the public prosecutor felt that the landlord's demands, though excessive, did not constitute the offence of profiteering, since according to Austrian law before an inordinate and unconscionable demand can be held to amount to profiteering, the person of whom the demand is made must (among other things) be in a "position of constraint". The public prosecutor would not venture to assume that such a position of constraint existed, obviously basing himself on the fact that no one is constrained to become a television viewer. This view would, however, appear to be unjustified, for surely everyone must be allowed the right to conform to the general standard of living of an average citizen of the present time. Television, as has been mentioned above, must be accounted a part of the contemporary standard. And if the owner of a television receiver is unable to use it because wildly exaggerated demands on the part of the landlord make it impossible for him to put up an outside aerial, he is undoubtedly in a position of constraint. If this situation is taken advantage of by the property owner and an attempt made to exploit the tenant, then this should be regarded as profiteering.

As the situation in this sub-division of private law is now evolving in Austria it will not be long before the legislature is forced to intervene to give express recognition to the tenant's right to an outside aerial, to decide the question of whether it should be granted free of charge or on payment, and in the latter case to fix a maximum amount, preferably expressed as a percentage of the television licence fee for the time being in force. The Oesterreichischer Rundfunk is thinking of approaching the competent government authorities to introduce a Bill to this effect.

I have attempted to survey the legal problems that arise out of the necessity of outside aerials for radio and especially television reception. This account cannot of course claim to be in any way exhaustive, for the questions that have been touched on are far more complicated and involved than they have been portrayed here.

To give only a few examples, it may be mentioned that in the case of large blocks of flats it is sometimes out of the question to give each individual tenant a space on the roof to install an aerial of his own. In such a case the expedient of the so-called "community aerial" will have to be adopted. The rights and obligations attaching to a community aerial of this sort can hardly be determined except by mutual agreement, and here again there will be a need for uniform statutory regulation. The question of whether and to what extent a sub-tenant of a flat can be given a right to an aerial also awaits legal solution. Similarly these problems will appear in a different light in view of the rapid growth of flat ownership at the present time.

Undoubtedly the ideal solution is for the legislature to step in and lay down the principles of a special law on aerials that will be binding on everyone.

NEWS AND INFORMATION

AUSTRIA

Freedom of Information Granted to Television. Vienna Court Judgment. — A judgment invoking, for the first time to our knowledge, the principles of freedom of information in favour of the Austrian television service was handed down by the Vienna Court of first instance on 28th October 1957.

An Austrian television programme series entitled "Keep Death at Bay" attempts to guard viewers against accidents, with particular emphasis on road accidents. In one of these programmes a close-up was shown of a small touring car badly damaged and the plaintiff standing beside it, perfectly recognisable and in fact actually recognised by a number of people. Instituting proceedings against the Austrian broadcasting organisation on the basis of the *jus imaginis*, the plaintiff declared that the programme had doubly injured his interests, by creating the impression that he had been involved in the accident, which was untrue, and by suggesting that he drove a small car whereas in fact he owned a Mercedes. Consequently, the plaintiff asked the court to forbid the defendants to make any further use of his picture and to sentence them to damages which he estimated at 15,000 Schilling.

The court found that the picture which had appeared on the television screen did in fact correspond to the description given by the plaintiff and that the latter who was seen standing next to a police officer was not in reality implicated in the accident. However, the Court recalled that in contrast to the former Austrian Copyright Act and to the Act regulating the *jus imaginis* in Germany, § 78 of the recent Austrian Copyright Act did not prohibit the publication of pictures of individual persons unless the legitimate interests of these persons were damaged. In other words, under the Austrian law currently in force the publication of pictures is authorised in principle as long as it does not infringe private interests.

In the case in point, a public event had been the subject of a visual reportage in which the plaintiff, of his own free will, had taken part. In the light of developments in recent years, freedom of information, whether in relation to the press, the cinema, sound radio or television, authorises such visual representations provided they do not interfere with the individual's private life. No one present at an accident in public can object to his picture appearing in the course of a news item concerning the accident and thus becoming visible to viewers.

For these reasons, the court dismissed the plaintiff and ordered him to pay costs.

CANADA

Report of the Royal Commission on Copyright. —

In 1954 a Royal Commission was appointed in Canada to consider what amendments, if any, should be made to existing legislation on the subject of intellectual property. The Commission confined its attention in the first stage to copyright legislation, and recently published a very comprehensive report in French and English, which was preceded by an extensive inquiry and by public hearings at which all the interests concerned were given an opportunity of making representations and giving evidence. The Commission also took into consideration the existing legislation in other countries, and contacted a number of copyright experts abroad.

The report briefly reviewed in this article deals first with the issues raised by the accession of Canada to multilateral conventions and, secondly, with the modifications that it is suggested should be made to domestic law.

Canada is, of course, a party to the Rome Revision of the Berne Convention, and the question therefore arises whether it should adhere to the Brussels text of this Convention. In addition, Canada has not yet acceded to the Universal Convention, and hence it is necessary to examine whether such accession is desirable. In the case of the former of the two the Commission is of the opinion that the Brussels Convention goes farther than Canadian interests warrant. The provisions in the Brussels Convention which in its opinion are of a nature to prevent Canada from becoming a party to it are Article 11, on account of the now exclusive right of public performance it confers, Article 11 *bis*, because it makes the communication to the public of a broadcast work by loud-speaker or rediffusion amenable to the author's exclusive right, Article 7, which raises the term of protection *jure conventionis* to 50 years after the author's death, and Article 27 *bis*, which gives the International Court of Justice jurisdiction in certain matters. The Commission accordingly proposes that Canada should rest content with the Rome text of the Berne Convention.

It does, on the other hand, recommend ratification of the Universal Convention, chiefly on account of the simplification of formalities, which is of the greatest interest to Canadian authors in view of the close ties between Canada and the United States. The Commission similarly recommends ratification of the protocols annexed to the Universal Convention.

It had been suggested in some quarters that Canada should withdraw from the Berne Union, and the Commission weighed the pros and cons of withdrawal. After observing that the result of such action would be that to secure protection in Berne Union countries

Canadian authors would have to publish simultaneously in one of those countries, a device long used by United States authors and frequently criticised as a "back door method", the Commission recommends that Canada should remain within the Berne Union and that its future legislation should be in keeping with the provisions of the Rome version.

It was thus in the context of the obligations flowing from the Rome Revision of the Berne Convention and the Universal Convention that the Commission proceeded to consider one by one the problems of an overhaul of domestic legislation. The first of these problems is that of the *term of copyright*. The Commission recommends, generally speaking, that the term of copyright for published works be related to the year of publication and that the term be for a period expiring at the end of fifty-six years from the time of publication or at the death of the author, whichever is later. The reasons given by the Commission for proposing this sweeping change in the calculation of the term are, in the first place, the clearly stated opinion that the present term is too long, secondly the belief that a period of protection calculated from the time of publication is fairer than one based upon the death of the author, and lastly the feeling, no doubt due to the closeness of the United States, that publication constitutes a point of departure more easily determined than the date of the author's demise.

The Commission, clearly impressed by the new Copyright Act in the United Kingdom, declares itself in favour of the creation of certain *new rights* not before known to Canadian law. It is recommended that broadcasting organisations should be given an exclusive right covering the sound or visual recording of the broadcast, the use of such a recording for broadcasting or diffusing, the use of the recording for causing the broadcast to be seen or heard in public and, subject to certain qualifications, the rebroadcasting of the broadcast. We shall have more to say anon of the new copyrights which the Commission desires to introduce into domestic law.

In passing, though still on the subject of broadcasting, the Commission is of the opinion that although the author is invested with the exclusive right to authorise the broadcasting of his work, he should not have the power to prevent a person who receives the broadcast from concurrently causing it to be seen or heard in public or rediffusing it. This is clearly one of the reasons why the Commission does not advocate Canadian accession to the Brussels instrument, Article 11 *bis* of which would not permit the proposed action *quoad* the author and would force the legislative authorities to grant at the very least a right to remuneration in respect of communication to the public and transmission by wire. In this connection the Commission refers to the present law which does not give the author the right to control the said secondary uses of the broadcast.

In contrast to the recent United Kingdom Act the Commission does not suggest that the publisher should be granted a copyright in the typographical arrangement

of his published edition. In the Commission's opinion sufficient protection is afforded by the existing rules of general law.

The most important part of the report is devoted to a survey of the *substance of copyright*, the *exercise of copyright* and the *remedies for copyright infringements*.

As regards *literary, dramatic and musical works*, protection should be afforded in respect of unpublished works to authors who were Canadians at the time when the works were made or, if the making of the works extended over a period, who were Canadians for a substantial part of that period. In respect of published works protection should be granted if the works were first published in Canada, if the authors were Canadians at the time when the works were first published or if the authors had died before that time but were Canadians immediately before their death.

Copyright should include the exclusive right to authorise the acts of reproducing the work in any material form, publishing it, performing it in public, broadcasting it, causing the work to be transmitted to subscribers to a diffusion service and making any adaptation of the work; the author should further be able to authorise or forbid the doing of any of the above acts in relation to any such adaptation of the work. However, as mentioned above, these rights are not without certain *restrictions*. For one thing, the Commission thinks that when the owner of the copyright in a work authorises the broadcasting of the work he should be taken to have authorised also its simultaneous communication to the public. Similarly, where the work is transmitted with the author's permission to subscribers to a diffusion service, the fact of communicating the work so transmitted to the public should not constitute an infringement of copyright. A further proviso is advocated by the Commission: the prior authorisation of the copyright owner should not be required for rediffusion, which the Commission distinguishes from transmission by a diffusion service, if he has already consented to wireless broadcasting; in the Commission's view, rediffusion is merely a means of improving the reception of a wireless broadcast. However, rebroadcasting, or in other words the simultaneous off-the-air relaying of the original broadcast by another broadcasting station, should in the Commission's opinion be an act restricted by copyright. It will be seen that, in suggesting these restrictions in the field of secondary uses of broadcasts, the Commission is advocating a system that differs considerably from the British Copyright Act and, at the same time, from the Berne Convention as revised at Brussels.

Turning to *artistic works*, in other words paintings, sculptures, drawings, engravings, photographs, works of architecture and works of artistic craftsmanship, the Commission is in favour of solutions to fit each case, the chief feature of which is a gradation in the term of copyright. Although, generally speaking, the term of copyright in artistic works should expire 56 years after the death of the author or, if the work is published during

his lifetime, 56 years after publication or at his death, whichever is later, the copyright in photographs would run out forty years after the date on which the photograph was taken. The Commission holds the view that the present term (50 years from the making of the original negative) is too long and that it is desirable to bring it into accord with the term of protection for films which, as we shall see later, the Committee recommends should be forty years from the first exhibition of the film.

Significantly, the Commission does not recommend that the author of an artistic work should be given the right to authorise the inclusion of his work in a television broadcast or a transmission to subscribers to a diffusion service. It considers that Article 11 *bis* in the Rome version of the Berne Convention only applies to works which can be communicated by the radio-communication of sound. This in its opinion does not include artistic works which obviously can only be communicated by visual means, and it infers that there is no infringement of the Convention if the author of the artistic work is not granted a television right in primary and secondary uses.

With respect to the *ownership of copyright* the Commission starts with the principle that the author or originator of the work is the first owner of copyright. It feels however that certain restrictions should be placed on this principle, the most important of which relates to works made in the course of an author's employment. In this event copyright should vest in the employer, as it does, incidentally, under the present Act. It is further recommended that another exception to the above principle be maintained, viz. that where in the case of an engraving, photograph or portrait the plate or other original was ordered by some person and was made for valuable consideration in pursuance of that order, the copyright should belong to the person who gave the order.

Recommendations are also made concerning the definition of *copyright infringements*. The Commission considers that the copyright should be deemed to be infringed by any person who, without the licence of the owner of the copyright, imports an article (otherwise than for his private use) into Canada, if to his knowledge the making of that article constituted an infringement of that copyright or would have constituted such an infringement if the article had been made in Canada. It should also be taken to be an infringement of copyright to sell, let for hire, or by way of trade offer or expose for sale or exhibit any article in the knowledge that the making of that article infringed the copyright or would have done so had the article been made in Canada. On the other hand the Commission takes a less severe view of infringements of performing rights, and it thinks, for example, that the owner of a hall should not be called upon, when he permits the use of his hall, to inquire into the question whether an infringement of copyright is to be committed in the hall. The Commission does not think it fair to impose so heavy a burden on the

hall owner, particularly as the latter may have no means of ascertaining for sure who the owner of copyright is.

In the field of *exceptions* from copyright protection the Commission contemplates a number of such arrangements, some of which call for a brief reference.

Noting that Article 10 *bis* of the Berne Convention as revised at Brussels, to which it is recommended that Canada should not be a party, permits certain uses of copyright works for the purpose of reporting current events, the Commission is of the opinion that the same powers are reserved to national legislation under Article 9 (3) of the Rome version of the Convention and accordingly suggests that Canada should take over the substance of Section 6 (1), (2) and (3) in the new United Kingdom Act which sanctions fair dealing with literary, dramatic or musical works for purposes of research, criticism, review or reporting current events. It is similarly proposed that the reading or recitation in public of reasonable extracts from a work should not constitute an infringement of the copyright.

The Commission likewise advocates that the Canadian Parliament should follow Section 6 (7) of the British Act and enact legislation to the effect that licence to broadcast a copyright work shall be deemed to include the right to make an ephemeral recording solely for broadcasting purposes. A recording would be deemed to be an ephemeral recording if all its uses in broadcasting occur within a period of thirty days from the date on which it or a copy of it was first broadcast.

The Commission draws attention to the fact that there is nothing in the Rome version of the Berne Convention to protect literary and dramatic works against mechanical reproduction, and is of the opinion that the record manufacturers can continue to enjoy a compulsory licence to record not only musical works but also literary and dramatic works. The Commission further expresses the view that the licence of right should be operative once a copyright holder has authorised the first recording, even if this took place abroad with the consent of a copyright owner who may not be the same person as the Canadian copyright owner. The Commission does not think it matters whether the owner of copyright abroad and the owner of Canadian copyright are identical or not because in any event it is the author himself, through an intermediary, who gives the first authorisation for reproduction.

On the subject of exceptions from protection of artistic works the Commission recommends that the substance of Section 9 of the recent United Kingdom Act should be taken over, minus the sub-sections relating to television, the reason being, as has been noted above, that the Commission does not propose to protect artistic works against visual broadcasting.

As regards what are generally known as *ancillary rights*, to which an allusion has already been made in connection with the new right to be vested in broadcasting organisations, the Commission recommends a number of steps. In the case of *sound recordings* (other

than sound tracks associated with motion picture films) the maker, if he is a Canadian citizen or is domiciled or resident in Canada or if, being a body corporate, it is incorporated under the laws of Canada, should be deemed to be the owner of a copyright in the recording which would expire forty years from the date of first publication of the recording. This would be subject to the proviso that, where a recording is made in pursuance of a commission for valuable consideration, the person placing the commission would be the first owner of the copyright. This right should consist of the power to authorise or to prohibit copying; on the other hand it should not include a performing right and a broadcasting right (as it does in the new Copyright Act in Britain), but the Commission thinks that the record manufacturer would nevertheless be able to restrain the use of pirated copies of his recording for public performance or broadcasting. It may also be mentioned that the Commission does not propose that the record manufacturer should be required to submit to formalities since, as stated a moment ago, his right would be limited to copying alone, and the only point of the formalities in fact is to give effect to the performing and broadcasting rights which the Commission is not prepared to grant.

Copyright should also subsist in *films*. This copyright should vest in the maker of the film if he is a Canadian citizen or domiciled or resident in Canada, and it should run for a period of forty years from the date on which the film is first exhibited in public, and then expire. The maker should be the person by whom the arrangements necessary for the making of the film were undertaken. The acts restricted by his copyright would include copying, causing the film to be seen or heard in public, broadcasting and the film to be transmitted to subscribers to a diffusion service (other than a rediffusion service). However, it should not be an infringement of this copyright to receive a broadcast, a diffusion or a rediffusion of the film and cause it then and there to be seen or heard in public. Once the film has fallen into the public domain on the expiry of the term of copyright, the acts of copying, causing it to be seen or heard in public, broadcasting and transmission to a diffusion service would not constitute an infringement of any copyright subsisting in the works used in the film now out of copyright. All these provisions would apply not only to films to which the author had given an original character but also to newsreels and other films.

What the Commission considers should be the content of the *broadcasting organisations' right* has already been stated above. It should be observed that, as distinct from the new Act in the United Kingdom, the Commission declines to recommend that the copyright in broadcasts should include the right to exhibit television broadcasts to the public. Clearly the Commission is desirous of freeing public "users" as much as possible from copyright obligations, both to the head-copyright owners and to the proprietors of any ancillary rights. In addition the Commission recommends that the pro-

visions in reference to copyright infringements by importing, selling, hiring out and exhibiting, of which a summary has been given above, should be equally applicable in the case of ancillary rights.

A sizeable chapter in the Report is devoted to the *exercise of copyright by performing rights societies*. The reader will no doubt be familiar with the existing law on the matter in Canada. The performing rights societies, of which there are two, CAPAC and BMI, are in Canada subject to a measure of control and the tariffs on which their fee-collecting activities are based require to be filed with and certified by a special body known as the Copyright Appeal Board. In the course of the inquiry representations were made to the effect that this legislation was not consistent with the Rome version of the Berne Convention because Article 4 of the latter precludes any formalities. The Royal Commission does not share this view. It is not of the opinion that the existing legislation in reference to authors' societies is at odds with the Convention; it argues that the Rome Convention does not create an exclusive right in the public performance of works, and therefore that the national legislature is free to enact such implementing provisions as it thinks fit. Again, the Commission thinks that though the Convention rules out formalities as far as the authors themselves are concerned, it does not necessarily affect those which may be imposed on an assignee, since it was not until the Brussels revision that a new Article 2 (4) was inserted to require parity of treatment as between the author and his legal representatives and assignees. To sum up, the Commission goes on record as favouring the retention of special statutory arrangements in reference to performing rights societies, the objective being "to prevent or deal with any abuse of the rights centralised in performing rights societies." It has a number of proposals to put forward in this context. Each society should keep on file a completely up-to-date list of all the works in which it claims performing rights. If it claimed a right for which it had no reasonable grounds it should be subject to a penalty, and there should be a penalty if the list of works was not kept up to date. The society should be deemed to guarantee to every music user that the list is accurate, complete and correct at all times, and should be liable to indemnify him in respect of any loss he sustains as a result of proceeding in accordance with the information contained in the list.

Furthermore, the Copyright Appeal Board should have the power to pass upon and fix the terms of licences upon the application of any interested person. It should, for example, have the power to order the society to make available "per-program" licences in cases where the society insisted on issuing blanket licences for the whole of its repertoire on a yearly basis. The Board should be free to approve of licences under which the consideration would be a stated percentage of the user's receipts or expenditures. In regard to broadcasting in particular the Board should have power to fix a nominal

fee to be payable by any broadcasting station which broadcasts only works obtained over the network to which it is affiliated. Such a station would still be required to take out a licence with both performing rights societies, but it would be normal that such a licence should stipulate only a token fee.

It is interesting to note that while the Commission recommends abolition of the exemption at present enjoyed by the operators of juke-boxes (coin-operated gramophones), it nevertheless advocates the principle that *public performance by means of gramophones* should not be an infringement of copyright. Here again the Commission is desirous of protecting certain users against the obligations flowing from copyright protection.

It is a reasonably safe assumption that the Royal Commission's Report, before being taken as the basis for a Parliamentary Bill on copyright, will be the occasion for much lobbying on the part of those whose interests are affected by the protection afforded to intellectual property, whether they be the owners or the users of intellectual works.

DENMARK

Judgment concerning Television Relays of the Royal Theatre's Performances. — Since 1934 an agreement has existed between the Danish broadcasting service, Statsradiofonien, and the Royal Theatre to the effect that, on payment to the Theatre of a fixed annual amount, Statsradiofonien has the right to take relays of its current performances. The director of the Royal Theatre can, however, prohibit a relay if he considers it necessary for artistic reasons.

After the establishment by Statsradiofonien of a regular television service, Statsradiofonien and the director of the Royal Theatre decided that the agreement concerning sound relays should also apply to television relays.

When concluding the Agreement of 28th February 1955 with the Danish Actors Union, of which the ballet dancers, the actors and the opera singers of the Royal Theatre are members, Statsradiofonien had to accept the provision that television relays of current theatre performances could not be taken without the authorisation of the Actors Union for each individual case, Statsradiofonien stipulating, however, that this Agreement did not apply to relays from the Royal Theatre.

When the director of the Royal Theatre informed the Theatre's artists of the stipulation concerning television relays, such emphatic protests were put forward by the artists through the Actors Union that the relays had to be postponed until a legal ruling was given. The Actors Union then brought an action against the Royal Theatre, contending that the artists of the Theatre were not obliged to allow the Theatre to permit performances in which they appeared to be relayed on television.

The final decision has now been given in a Supreme Court judgment of 3rd June 1958, confirming the acquittal of the Eastern High Court on 8th February 1957. In its judgment the Supreme Court does not go into the question whether, according to general legal principles, protection is due to the performing artists in this respect and so does not dispute an earlier judgment of the Supreme Court pronounced in 1928, clearly establishing that artists are not protected against sound broadcasting relays. The decision of the Supreme Court is based solely on the existing circumstances of the case, namely whether television relays of the Theatre's performances are contrary to the artists' terms of employment. The judgment establishes the fact that the burden of the artists' work is not increased by the relays and that they cannot therefore oppose them unless it is proved that the relays will considerably lower the artistic standards or that they will essentially weaken the position of the artists. Referring to a statement by the director of the Royal Theatre that his right of veto on artistic grounds applies equally to sound and television relays, and also to a detailed account by the head of the Television Service concerning the proposed preparation and carrying out of a relay, the judgment maintains that, in the light of present experience, it cannot be presumed that the relays will cause a special psychic strain on the artists to the detriment of their performances or that the standard of their performances in the theatrical shows approved for relay will be essentially lowered from an artistic point of view by being shown on television. The judgment further maintains that it cannot be presumed that television relays will cause the artists any appreciable financial loss.

GERMANY (Federal Republic)

Protection of Performers against Public Reception of Broadcasts. — It was reported in the last issue of the *Review*, on page 25, that the Düsseldorf *Oberlandesgericht* (Court of Appeal) had, in a judgment delivered on 2nd May 1958, conceded to the performers the right to control the communication to the public *via* a loud-speaker of sound or visual broadcast programmes in which they have performed. At the time of the announcement the text of the decision had not been received. After a study of this text it would appear necessary to discuss some of the reasons adduced in rather more detail.

It will be remembered that the action in question had been brought by the *Deutsche Orchestervereinigung*, a performers' trade union and assignee of the rights of its members, against the proprietors of three catering establishments (a hotel, a café and a restaurant), for an injunction to restrain them from playing, by means of a loud-speaker, sound and visual broadcast programmes without the permission of the musicians taking part in those programmes. It is assumed that readers are familiar with the judgment in the lower court, which

was analysed in the *EBU Bulletin*, No. 44, p. 464 and mentioned in the *EBU Review*, No. 49, page 25.

The Appeal Court, after finding that the plaintiffs' action was receivable on account of the fact that they (the *Orchestervereinigung*) had been appointed agents for their members to enforce their rights of prohibition, concentrated mainly on making a very thorough analysis of the content of the fictitious copyright conferred on performers under Section 2, § 2, of the current German Copyright Act. This analysis was rendered necessary by the fact that the plaintiffs claimed to control the public reception (*via* loud-speakers) of all broadcast programmes, whether "live" or recorded. Readers will recall that this provision in the German Act vests this fictitious copyright in the performer only from such time as the performance is recorded; the Court therefore had to determine in the first place whether this provision could be extended to apply to "live" performances, i.e. performances that had not been recorded. Using a line of reasoning that many will be reluctant to fall in with, the Court came to the conclusion that the Section, which in itself is very clear, nevertheless grants performers a fictitious copyright from the time of their "live" performance. The corner-stone of this argument is the finding that even broadcasting constitutes a "reproduction" by means of a mechanical contrivance within the meaning of Section 2, § 2, of the Act. Admittedly the legislature in 1910 were thinking only of mechanical reproduction by means of a physical, tangible recording, but since that time the copyright law had had to be construed in the light of modern inventions such as the tape recorder and the photo-copying process in order to remain faithful to the original thought of the legislator and to the *ratio legis*, which is to give the author and the performer the enjoyment of all the pecuniary advantages attaching to their work. Moreover, the Court went on, even radio-electric (Hertzian) diffusion is basically a kind of "multiplication" of the performance by technical means, the effect of which is to bring the performer's recital or performance to an infinitely larger audience than the public that could see or hear it unaided. It was from this angle that broadcasting must be regarded as a "mechanical contrivance" within the meaning of Section 2, § 2, of the Copyright Act, and it was wrong to consider that the provision applied only in the case of a contrivance or device enabling the performance to be repeated. The all-important test was not repetition, but rather the faculty of overstepping the limits of the physical audience and thus avoiding the need for further recitals or perform-

ances; and it was there that protection for the performer came in, to offset his loss of earnings. It should not be forgotten that broadcasting represented formidable competition for the live performer, and it was therefore right and proper to give some form of compensation to those who suffered by it.

The Court must, however, have realised the frailty of its argument because it felt obliged to mention that hitherto Section 2, § 2, of the Act had been construed by the Federal Court as necessitating a material fixation of the performance. The Court swept this consideration aside by affirming that even broadcasting a live performance is a fixation in the sense that it causes the recital or performance to be seen or heard outside the circle of those who are physically present. Furthermore, broadcasting could be regarded as a mechanical process, and for this reason too would come within the scope of Section 2, § 2.

Having thus established that the statutory provision in question applies to unrecorded performances to the same extent as to those that are recorded on some material medium, the Court held that the right deriving from Section 2, § 2 enables the performer at least to forbid the public performance of programmes in which he has appeared, although he is in the position of a fictitious author by derived title, and hence is in a relationship of subordination to the author of the work performed. This right of prohibition had not been transferred away, since the performer's contract with the broadcasting organisation reserved it in terms, and there could be no question of an assignment to GEMA or the record industry. The Court did not allow its reasoning to be swayed by the practical problems necessarily inherent in the exercise of the right of control thus granted; it held that this question had no relevance to the case. As to whether performers might possibly be required to sanction the public reception of broadcast programmes *via* a loud-speaker upon payment of fair remuneration, the Court confined itself to stating that the question would only arise when such remuneration had actually been tendered, and noted that this had not hitherto occurred.

As we stated earlier, leave to appeal has been granted and there is every reason to believe that the Federal Court will have to decide the issue in the last resort. For our part we find it difficult to imagine that the deductions of the Court of Appeal, which has largely usurped the legislative function by instituting a right for performers that is not recognised in the law, will stand up to scrutiny in the highest Court.

BOOK REVIEWS

Protection internationale des “ droits voisins ”.

Fondements et principes d'une Convention multilatérale. By Georges Straschnov, in association with Svante Bergström and Paolo Greco. Preface by Bénigne Mentha. Brussels, Emile Bruylant, 1958. (One paper-backed volume of 208 pages, price 240 Belgian francs.)

This volume on the international protection of ancillary rights is something that is much more than a routine commentary on the similarities and dissimilarities in the ILO draft Convention and the Monaco counterpart to it. It is a landmark in the literature on the “ rights neighbouring on copyright ”.

Taking these two competing versions as their basis, Straschnov and his fellow authors have produced what amounts to a comprehensive treatise on ancillary rights, and incidentally the first scientific and systematic textbook in this new branch of legal lore. Its appearance is most timely, coming as it does at a time when after lengthy deliberations and innumerable controversies the experts concerned are realising that it is no longer possible to prolong this theoretical debate when the needs of everyday life and the demands of the performers are growing ever more insistent.

Undoubtedly the historical background is one of the best things in the work. The reader is at once struck by the authors' intimate knowledge of the ups and downs of a problem that has been argued at the international level for the last thirty years and more. All the major happenings are described and assessed with commendable objectivity and that deference to the facts that is the hallmark of the scientific mind.

But this historical survey, besides being an able exercise in the history of law and the model of what a doctorate thesis should be, has the outstanding merit of throwing light on what, for the lawyer, is perhaps the central problem in this matter. I refer to the problem of the legal nature of ancillary rights.

Messrs. Straschnov, Greco and Bergström aptly demonstrate that ancillary rights cannot be regarded as a new variety of copyright, the rights inherent in the author. It was high time to do so after the Monaco Committee, which seemingly purported to regulate the rights of intellectual creators closely akin to authors, in the person of performers, recorders and broadcasters.

In my native French this peculiar jargon—words like *enregistreur* and *radiodiffuseur*—sounds decidedly more odd than it does in English, but it is not, as one might think, a ham-handed translation of American terminology; instead, it denotes a desire on the part of the Monaco experts to confer international protection on a category of quasi-authors.

Such a theoretical approach seems rather remote from reality. Maybe the Monaco experts thought that por-

table tape recorders are to sounds as cameras are to pictures, and consequently it was necessary to protect the sound “ recorder ” under rules that border closely on those which secure copyright to the photographer *qua* author. The only trouble is that the “ recorder ”, considered as an individual and an originator of intellectual works, simply does not exist...

The business of recording sound for the manufacture of records necessitates a whole technical set-up and a large, skilled staff, so that it is no easy matter to see who will qualify for the title of “ recorder ”. Would it be the managing director of the recording firm who drew up the recording schedule, the artistic director who arranged for such and such a recording, the sound engineer who worked out the technical aspects of the recording, the head of the recording crew who, with his assistants, was in attendance at the rehearsals, did the necessary cutting and montage and so on... or who ?

It need hardly be said that the “ broadcaster ” as such does not exist either, unless it is decided, in the case of France for example, that the only “ broadcaster ” is the director-general of the RTF—as indeed would be logical. It then becomes obvious that this is nothing but a legal fiction, as the director-general cannot possibly be the intellectual originator of all the broadcasts.

But, it will be argued, surely there can be no question that the performers—what we in French call the “ interpretative and executive artists ”—rank as intellectual creators ? It is bound to be said that such and such a virtuoso, such and such a prima donna, almost measures up to the author on the strength of his or her rendering. This example of the great soloists, it would seem, has been quoted again and again to bring ancillary rights closer to copyright. Even Mentha, in his excellent introduction to the present work, writes on p. 11 : “ Even though the performer may not have created the work in the strict sense of the word, he has nevertheless given an individual performance and one which, in the extreme cases, is sufficiently masterly to deserve what has been the prerogative of the author, namely, the continuing sovereignty over the expression of his genius and his sensitivity, even after the public has taken cognizance of it.”

I personally do not think that the case of the great soloists is such a cogent argument; the virtuoso is so rare that his example does not carry very much weight. I am not saying that the bulk of the performers, the tens of thousands of artistes, actors and singers at work in the various countries, lack talent or professional conscientiousness; but one must admit that they go about their work in much the same conditions as other workers. There is not much more “ personal creativeness ” in the efforts of a dance-band drummer in a Bank Holiday “ hop ” than in a doctor's diagnosis or in the automotive virtuosity of the Paris taxi driver.

In point of fact ancillary rights in law possess a hybrid character which may be anywhere between copyright (the case that comes to mind when we think of virtuosi) and social or industrial law, the business of which is to protect workers or employers so that they are not deprived of the fruits of their labour or of their outlay.

In this connection particularly one must emphasise the value of the "demonstration" given by Messrs. Straschnov, Greco and Bergström when they point to the extensive activities of the International Labour Organisation and the International Labour Office in this field, stressing the fact that the problems in hand arise in the first instance at the national level, and that in fact the objective is to strike a balance between various occupational groups whose interests are not easy to reconcile.

With this in mind, the chapter on application of the Convention in the country of origin and the paragraphs on the legislation in force in the leading countries constitute to my way of thinking a factual proof that even the most enthusiastic partisans of the Monaco draft will be unable to refute.

In regard to the record manufacturers and the broadcasting organisations it is clear also that the protection they seek is much more akin to industrial law and protection of occupational activities than it is to copyright.

But however absorbing may be the problem of the legal nature of ancillary rights, a problem that learned lawyers will doubtless discuss for some time to come, this question should not make us oblivious to the other outstanding merits of this book. Mention must be made of the penetrating and sharp analysis of what is meant by indirect performance in the chapter on the content of protection. It must be admitted that hitherto many debates, even between men well versed in the law, have proved inconclusive for want of a clear and precise definition of the concept of indirect use, each one thinking of a particular case and forgetting other possibilities that nevertheless occur frequently in practice. The picture of direct and indirect uses given by the authors and their comments on pages 97 to 113, together with the part devoted to the secondary uses of phonographic records, will enlighten all the experts on this complex subject, which is central to the question of ancillary rights.

Another feature which I have no hesitation in describing as fundamental is the part devoted to films, in which Straschnov and his advisers draw attention to the anachronisms in the Monaco draft, which in the comprehensive and sweeping provisions of Article 6 denies any protection to television broadcasts from films, even where the latter are mere kinescope recordings.

I must however confess that Part VII, which deals with this subject, leaves me asking for more. The fascinating study of the differences of nature between films, as cinematographic works, and kinescopes which do not qualify as such, deserves more space than it has been given. The very different terms and conditions of

employment for performers on films and on television might also have come in for more detailed treatment. I feel convinced that television directors and legal advisers would have derived much valuable information from such a study for their day-to-day work.

I appreciate, however, that in effect I am asking Messrs. Straschnov, Bergström and Greco to put in hand a new work on the cinematograph film in television. Undoubtedly this too is a most important subject; and the masterly treatise on ancillary rights which they have turned out encourages us to ask them once again to give us the benefit of their learning, their experience and their talent.

M. LENOBLE

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Copinger and Skone James on the Law of Copyright,
9th Edition by F. E. Skone James and E. P. Skone
James. London. Sweet & Maxwell Ltd. 1958 (One
bound volume of 916 pages, price £5.10.0.)

The Ninth Edition of Copinger and Skone James on the *Law of Copyright* fully justifies the claim of the publishers that it is the most comprehensive account of the subject available. It is a monumental work running to 916 pages and weighing nearly 4 lbs. The first 300 pages comprising Parts I, II and III of the book deal with the law of copyright in the United Kingdom. Chapter 2 contains an interesting historical review of copyright law from an early statute of King Richard III in 1483 to the Copyright Act of Queen Elizabeth II in 1956. The general law of copyright is then examined at considerable length and this is followed by a discussion on copyright law in special cases such as broadcasting. Mr. Skone James states in his preface that the passing of the Copyright Act 1956 has necessitated completely rewriting or substantially altering more than half of the book. In carrying out this formidable task Mr. Skone James has not been content merely to set out the provisions of the new Act and the effect of cases decided under the earlier Copyright Act, 1911, but he has expressed his personal views on the wording of the new Act and on the way in which it is likely to be interpreted by the Courts.

In a previous article on the new Act¹ the present reviewer suggested that unexpected discoveries might be made in the complicated phraseology of the new Act and Mr. Skone James draws attention to several possibilities of this kind. For example, he points out on page 184 that the definition of "performance" under the new Act seems inconvenient as it is no longer possible to use the expression "performing right" in a broad sense to include all possible methods of performance, and he suggests that this seems likely to lead to difficulties in cases where it may well be that the parties intend the word "performance" to mean all

¹ *EBU Bulletin* No. 41, pages 1-5.

performing rights including the right to broadcast. The present reviewer has met difficulties of this sort in actual practice and it will clearly be necessary for future contracts to be drawn with particular care so as to make sure that the broadcasting organisation does acquire the rights which it needs.

On page 193 Mr. Skone James draws attention to the fact that the word "broadcast" is not defined in the new Act and he suggests that its meaning may be objective (i.e. that signals are broadcast if they are sent out in such a way that anyone having a suitable type of reception apparatus could receive them) rather than subjective (i.e. only applying where the person sending out the signals contemplated their reception by the public or a class of the public). On page 195 Mr. Skone James expresses the view that the effect of section 14 (10) of the new Act is that, in the case of the infringement of copyright by broadcasting a copyright work without the permission of the copyright owner, the infringement takes place at the place from which the programme is broadcast whereas under the 1911 Act it was arguable that the infringement was committed at the place where the broadcast programme was received. This is a point which may well be of considerable practical importance to broadcasting organisations. Mr. Skone James does not distinguish in his comment between the studio where a broadcast performance takes place and the transmitter from which it is sent out over the air. The distinction is important as the studio and the transmitter may not necessarily be in the same country. The present reviewer has always considered that the transmitter is the point at which an infringement of copyright takes place and this view would seem to be supported by the wording of section 14 (10) i.e. "the place from which the visual images or sounds in question, or both, as the case may be, are broadcast".

Mr. Skone James raises an interesting point on page 264 where he suggests that under the new Act a literary work is not presented by the performance of a film unless some part of the actual language of the work is reproduced or imitated on the sound track, and he remarks that the position seems even less clear where a film embodying incidents in a literary work is broadcast.

It will be remembered that section 14 (4) of the new Act gives the broadcasting organisations in the United Kingdom the right to control the showing of their television performances to paying audiences, and section 14 (8) provides that the term "paying audience" will apply if persons are admitted to the place where the broadcast is to be seen and are charged prices for goods or services supplied to them which exceed the prices usually charged at that place and are partly attributable to the facilities for seeing the broadcast. Mr. Skone James points out on page 299 that the effect of this wording is that the provision will not apply to a place where enhanced prices are regularly charged because of broadcasting facilities. It certainly seems surprising that a place which occasionally raises its prices because

of broadcasting facilities should be covered by the section but that one which does so regularly should not be caught by it.

Part IV of the book contains a useful chapter on *International Copyright* and the full texts of the Brussels, Rome and Geneva Conventions are given in the Appendices. Incidentally, in reprinting the comparison of the Rome and Brussels texts it seems a little confusing to include on page 664 the note stating that the Brussels Convention has not yet been ratified by the Government of the United Kingdom whereas the footnote on page 632 states that accession of the United Kingdom to the Brussels Convention took place on December 15, 1957.

Before leaving the subject of international copyright, the present reviewer regrets that Mr. Skone James has not expressed any views on the question of ephemeral recordings either in relation to Article 11 bis (3) of the Brussels Convention or section 6 (7) of the new Act, except his remark on page 344 that the paragraph in the Convention is somewhat ambiguous. In view of the many hours which the EBU Legal Committee spent in debating the interpretation of this paragraph, the Monegasque delegate to the Brussels Conference could hardly take objection to this description of his offspring!

Part V of the book deals mainly with such matters as income tax, estate duty and stamp duty. There is also a useful chapter on the new Performing Right Tribunal.

Part VI deals with *Copyright in the British Commonwealth and in Foreign Countries*. The position in each of the Commonwealth countries is fully discussed and the texts of the relevant statutes are given in the Appendices. The position in the United States of America is covered in similar fashion but other foreign countries receive less generous treatment in a summarised table giving the name of the country, the date of its principal law, the period of protection in the country and the conventional or other protection available in it for United Kingdom works.

Part VII contains forms and precedents for use in assignments, licences and agreements. In passing it may be noted that at least three of the precedents contain a provision specifically prohibiting broadcasting. It is to be hoped that in the next edition of the book the provision in these precedents will be modified so that broadcasting may at any rate be optionally permissible rather than specifically prohibited.

The Appendices contain the full texts of the Copyright Act 1956 and of earlier acts, such as the Copyright Act 1911 and the Dramatic and Musical Performers Protection Act 1925, which may be needed for reference. The various Rules and Orders made under the 1956 and 1911 Acts are also included as well as the International Conventions and Commonwealth Statutes to which reference has already been made.

It would be surprising if a work of this magnitude did not contain points which call for criticism, but the present reviewer has only found three minor points.

On page 99 reference is made to the special periods of protection provided under the new Act but no reference is made to that applicable in the case of the rights of the broadcasting organisations.

The new Act uses the term "diffusion service" to cover the distribution of broadcast programmes by wire to persons subscribing to the distribution system. On page 191 and subsequently Mr. Skone James uses the word "radio-diffusion" to describe this form of distribution. This may well be a little confusing particularly to foreign readers as in France the word *radio-diffusion* is the equivalent of the English "sound broadcasting" and does not mean "wire distribution".

This use of the word "radio-diffusion" does in fact seem to have led to some slight confusion in the index. Under the entries for the BBC and ITA one would have expected to find references to the various rights granted to the broadcasting organisations by section 14 of the

new Act, and it is therefore somewhat misleading to find that these entries only contain a solitary cross reference to the word "radio-diffusion".

These criticisms relate to very small blemishes and they do not in any way detract from the solid worth of the new Copinger and Skone James which, as the publishers claim, is indeed better than ever.

To end on a personal note, it is interesting to find that Mr. F. E. Skone James is only the third editor since the first edition of the book was published in 1870. He is to be congratulated on having produced four editions since he took over the book in 1927, and it is a further matter for congratulation that the future of this indispensable work of reference is now guaranteed by the fact that Mr. E. P. Skone James has assisted his father in the production of the Ninth Edition.

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en collaboration avec

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Protection internationale des « droits voisins »

Fondements et Principes d'une Convention Multilatérale

Préface du Dr h.c. Bénigne Mentha

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TITRE VIII. — Conclusions.

BIBLIOGRAPHIE.

ANNEXES.

Annexe 1 : Avant-projet de Rome.

Annexe 2 : Projet OIT.

Annexe 3 : Projet de Monaco.

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E. B. U. ACTIVITIES

20TH MEETING OF THE BUREAU OF THE LEGAL COMMITTEE

The Bureau of the Legal Committee held its 20th meeting in Turin from 28th to 31st May 1958 under the chairmanship of the President, Mr. Lenoble, assisted by the Vice-Presidents, Professor Greco and Dr. Brack, and in the presence of its nine members. A particularly full agenda prevents us from mentioning here any but a few of the items studied.

The preparations for the new session of the Committee of Experts of the Council of Europe charged with the study of the legal obstacles hampering the circulation of broadcast programmes¹ naturally took up the attention of the Bureau. Observations made by the various members helped to clarify certain expressions that might be considered ambiguous in the text of the recommendations put forward by the Committee of Experts at its first session. Some decisions relevant thereto were taken by the Bureau to be applied at the next meeting of the Committee of Experts.

After a lengthy discussion, the Bureau recommended that the President of the Union should give his approval to the Supplementary Schedule prepared by the services of the *Société des Auteurs et Compositeurs Dramatiques* and the EBU Administrative Office. This Schedule, subsequently ratified by the President of the Union, is designed to regulate the use on television of commercial films made or dubbed in French. In one respect, the Schedule, which completes the standard contract in force between the SACD and the EBU, is an entirely new solution since it contains clauses which make it a veritable insurance contract between the SACD and the broadcasting organisation signatory thereto.

The Bureau again examined the conditions in which programmes could be exchanged with the countries of Eastern Europe without damaging the legitimate interests of the authors and their assigns. It was noted that exchanges were now possible with at least four of these countries within the general framework of the standard contracts concluded by the EBU with the BIEM and the music publishers, and that in the case of only three of the Eastern European countries was there still any difficulty. With these countries in mind, the study of this question is to be continued and talks will be resumed with organisations outside the EBU.

Having examined a résumé of the 37 replies received from Governments on the subject of the two draft conventions on ancillary rights, the Bureau considered the line of action suggested by these replies for the achievement of the diplomatic convention aimed at, and

gave all the necessary indications for safeguarding the interests of EBU member organisations in the pursuit of such action.

During its examination of certain problems arising from the application of the international Agreement between the EBU and the international Federations of performers relating to multilateral television relays, the Bureau discussed some internal aspects of the functioning of this Agreement and decided to pursue its study in conjunction with the Programme Committee.

Recent events in the field of relays of important sporting events have again encouraged the Bureau to enquire into the problem of freedom of information. Arrangements have been made for submitting a new report to the plenary Legal Committee in the autumn drafted in the light of the investigation to be carried out in the interval.

At the request of one of the member organisations, the Bureau studied the consequences of exhibiting television broadcasts on large screens in public. In the absence of an ancillary right vested in the television organisation, this question is fraught with legal difficulties and will require to be gone into more fully in the interests of programmes requiring the cooperation of organisers of artistic events and sports meetings.

After dealing with a number of other questions which cannot be mentioned here, the Bureau fixed its next meeting for 24th September. It will be immediately followed by the 9th session of the plenary Legal Committee until 27th September. These meetings are to be held in Germany.

ENTRY OF SWEDEN INTO EUROVISION

The Swedish television service officially joined the Eurovision network on 1st June 1958 and celebrated the occasion by presenting a performance of Glück's *Orpheus and Eurydice* in the charming theatre of the Royal Palace of Drottningholm in the presence of H. M. the King of Sweden.

After this introduction on the cultural plane, the Swedish television service took charge of the transmissions over the Eurovision network from the World Football Championships. The quality of sound and pictures and the setting of the games were excellent and won the appreciation of the public at large.

We are glad to be able to draw attention, in this 50th number of the *EBU Review*, to the fact that Eurovision, which was created in the European Broadcasting Union, now extends from north to south of the continent of Europe. We take this opportunity to thank both creators and artisans of this remarkable project.

¹ See *EBU Review* No. 47, page 58.

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German Federal Republic — Arbeitsgemeinschaft der
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Hessischer Rundfunk
Norddeutscher Rundfunk
Nord- und Westdeutscher Rundfunkverband
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Lebanon — Service de Radiodiffusion de la République
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Luxembourg — Compagnie Luxembourgeoise de
Télédiffusion
Monaco — Radio Monte-Carlo
Morocco — Radiodiffusion Nationale Marocaine

Netherlands — Nederlandse Radio-Unie, comprising :
Algemene Vereniging Radio-Omroep
Nederlandse Christelijke Radio Vereniging
Omroepvereniging VARA
Stichting Katholieke Radio-Omroep
Vrijzinnig Protestantse Radio-Omroep

Norway — Norsk Rikskringkasting
Portugal — Emissora Nacional de Radiodifusão
Spain — Radio Nacional de España
Sweden — Sveriges Radio
Switzerland — Société Suisse de Radiodiffusion
Syria — Direction Générale de la Radiodiffusion Syrienne
Tunisia — Radiodiffusion-Télévision Tunisienne
Turkey — Directorate-General for the Press
United Kingdom — British Broadcasting Corporation
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Yugoslavia — Jugoslovenska Radiodifuzija

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Japan — Nippon Hoso Kyokai
New Zealand — New Zealand Broadcasting Service
Pakistan — Radio Pakistan
Portugal — RTP - Radiotevisão Portuguesa
Union of South Africa — South African Broadcasting
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